Re: Fw: Marjol Meeting

Mary Boyer to: Gary Greening 02/24/2003 01:45 PM

Mary Boyer/R4/USEPA/US From:

Gary Greening, To:

---- Forwarded by Mary Boyer/R4/USEPA/US on 02/24/03 01:45 PM -----



Eileen McMahon To: Mary Boyer/R4/USEPA/US@EPA

02/20/03 04:34 PM

Subject: Re: Fw: Marjol Meeting

We should not be responding on behalf of the Region.

What have we done in-house with the "new material"? Has Steve been tasked with doing a review of it? Mary Boyer

> Mary Boyer To: Throop Borough <throopboro@adelphia.net> cc: Eileen McMahon/OIG/USEPA/US@EPA 02/20/2003 02:03 PM

Subject: Re: Fw: Marjol Meeting

Region 3 said they would meet with you after they completed a review of your new material we forwarded to the Region 3. I will attend that meeting if it does not conflict with meetings we are arranging at other sites during February and March.

To: Mary Boyer/R4/USEPA/US@EPA

Throop Borough <throopboro@adelphia.net>



Throop Borough <throopboro@adelphia.</p>

cc: Eileen McMahon/OIG/USEPA/US@EPA Subject: Fw: Marjol Meeting

02/20/03 01:43 PM

-----Original Message-----

From: Throop Borough <throopboro@adelphia.net> To: Gary Greening <greening.gary@epa.gov> Cc: Douglas R. Blazey drb@erse.com Date: Thursday, February 20, 2003 1:34 PM

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

Please be advised that Throop Borough Council and the Mayor at their Special Monthly Work Session on February 13, 2003 discussed Gannett Fleming's request to meet with EPA prior to a public meeting. Throop Borough Officials do not feel that it is necessary to have Gannett Fleming meet with EPA prior to a public meeting. Members of Council and the Mayor said that anything that needs to be discussed can be done in public.

Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney Doug Blazey, and all legislative officials to attend.

Sincerely,

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming
Doug Blazey
Gary Greening

Borough Officials



Maureen Essenthier to: Gary Greening

09/05/2002 09:35 AM

Cc: Stephen Schanamann, Paul Gotthold, Joel Hennessy

From: Maureen Essenthier/R3/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Stephen Schanamann/OIG/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Joel

Hennessy/R3/USEPA/US@EPA

Gary,

We will be happy to drive you and Steve up to the Marjol site on the 17th. I have reserved a conference room for the afternoon of the 16th.

Our office is at the corner of 17th Street and Arch Street (2 blocks north of Market Street). From 30th Street Station, you may take the commuter rail line to Suburban Station, a cab, or walk (about a 15 minute walk). If you take the commuter rail, Suburban Station is the first station going east. Any east-bound train will stop at Suburban Station. Our office is right above the station.

There is an EPA security desk in the lobby. You must have a photo ID to enter our office space. Give the security officer my name and phone extension (X3416) and I will come get you at the security desk.

Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening 09/04/2002 09:00 AM

To: Maureen Essenthier/R3/USEPA/US@EPA cc: Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Maureen.

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Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 09/03/2002 03:47 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

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Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening 09/03/2002 03:00 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

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Ken / Maureen,

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PS - I am not the "principle investigator" for the Ombudsman. The OIG does not have that title. You can just refer to me as staff from the USEPA-OIG's Ombudsman's Office or, simply, lead auditor. I don't have that ego.

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1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Mary Boyer

Mary Boyer

08/20/2002 04:03 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

No problem. I will make it happen.

Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507

FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun

** Kenneth Kryszczun

08/20/02 02:56 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA

Subject: Marjol battery site inspection and technical meeting with Throop

Borough

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Ken

---- Forwarded by Kenneth Kryszczun/R3/USEPA/US on 08/20/02 02:52 PM -----



Maureen Essenthier

To: Kenneth Kryszczun/R3/USEPA/US@EPA

08/20/02 02:09 PM

Subject: Marjol battery site inspection and technical meeting with Throop

Borough

Ken,

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We are meeting with the OIG engineering advisor, Steve Schanamann, on September 16 to provide a site history and discuss technical issues. He will conduct a site inspection on September 17th.

If may help the Ombudsman's review if both Gary Greening and Steve Schanamann attend both the EPA briefing/site visit and the Throop meeting. That way they will here both sides of the technical issues that are in dispute.

Please invite both Gary and Steve to the EPA briefing/site visit on September 16th and 17th, and the Throop briefing on September 19th or 20th.

Thanks.



Re: Fw: Marjol Meeting - Peggy's response. . .

Gary Greening to: Maureen Essenthier

Sent by:

Gary Greening/OIG/USEPA/US From: To: Maureen Essenthier/R3/USEPA/US.

Maureen,

Two items. Below is Peggy's response to Throop on their most recent request.

The second is that I received a voicemail from Mick Kuhns, US Office of Surface Mining in Wilkes-Barre. He forwarded our letter that requested his service to his boss in Pittsburgh, who forwarded it to the Regional Director. He was advised not to involve himself or the Office in the Marjol matter (outside the mission of their program/not wanting to get involved in the conflicting opinions). He was sorry he had previously said he could do it for us.

At this point, we are reassessing our options and I will let you know once we settle on a definitive course of action.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 02:39 PM -----

Mary Boyer To: Throop Borough <throopboro@adelphia.net> cc: Eileen McMahon/OIG/USEPA/US@EPA, (bcc: Gary 02/20/2003 02:03 PM Greening/OIG/USEPA/US)

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To: Mary Boyer/R4/USEPA/US@EPA



Throop Borough <throopboro@adelphia.</pre>

cc: Eileen McMahon/OIG/USEPA/US@EPA Subject: Fw: Marjol Meeting

02/20/03 01:43 PM

----Original Message----

From: Throop Borough <throopboro@adelphia.net> To: Gary Greening <greening.gary@epa.gov> Cc: Douglas R. Blazey drb@erse.com

02/20/2003 02:53 PM

Date: Thursday, February 20, 2003 1:34 PM

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

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February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

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Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney

Doug Blazey, and all legislative officials to attend.
Sincerely,
Elaine Morrell
Administrator/Secretary
cc: Maureen Essenthier
Gannett Fleming
Doug Blazey
Gary Greening
Borough Officials



Gary Greening to: Maureen Essenthier

09/12/2002 09:12 AM

Sent by:

Cc: Mary Boyer, Rosa Rivera

From: Gary Greening/OIG/USEPA/US
To: Maureen Essenthier/R3/USEPA/US,

Cc: Mary Boyer/R4/USEPA/US@EPA, Rosa Rivera/R3/USEPA/US@EPA

Thank you for that update. Peggy will not be able to attend. I will attend along with a lady that is helping me on this project, Rosa Rivera. Rosa is an auditor with our office there in Philly. I have also invited Rosa on the 16th and 17th. Let me know if there are any problems.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier

09/12/2002 08:52 AM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA,

Stephen Schanamann/OIG/USEPA/US@EPA, Joan

Schafer/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Gary,

I'm back in the office today. The time for the meeting between the Throop representatives and the RA is set. It is scheduled for Friday, 9/20, 10 am to noon. It will be held in the 4th floor Brandywine conference room. I need to prepare a list of attendees for the security desk. Based on past discussions, I have listed you and Peggy Boyer as attendees. Please let me know if this is correct.

Please check in at the security desk in the lobby when you arrive. They will direct you to the conference room.



Gary Greening

09/12/2002 07:28 AM

To: Paul Gotthold/R3/USEPA/US@EPA

cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Paul.

I think Maureen is out of the office until tomorrow and I am out of the office starting tomorrow. Have the plans (date, time, location) for the meeting between the RA and Throop officials been firmed up yet?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Paul Gotthold



Paul Gotthold

09/04/2002 10:52 AM

To: Kenneth Kryszczun/R3/USEPA/US@EPA cc: Gary Greening/OIG/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Gary-- at this point we expect to meet with you guys on the 16, visit the site on the 17. The current best date for the meeting in Region III with Throop Borough's representatives is SEp 20 (I am still waiting for confirmation from the Borough)

You should be aware that the specific purpose of the meeting on Sep 20 is for the Throop folks to make their points on the coal mining issues to our Regional Administrator. We have told the Borough that we hope to have a representative from your office available (as they requested) but we have made no promises in your name. The Borough understands that OIG attendance is tentative at this point.

Paul Gotthold PA Operations, WCMD 215-814-3410 gotthold.paul@epa.gov Kenneth Kryszczun



Kenneth Kryszczun

09/03/02 03:30 PM

To: Gary Greening/OIG/USEPA/US@EPA
cc: Mary Boyer/R4/USEPA/US@EPA, Maureen
Essenthier/R3/USEPA/US@EPA, Stephen
Schanamann/OIG/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Gary, thanks for the info. I believe Maureen is on vacation this week but I'm sure she'll contact you when she returns to the office to make arrangements for the briefing and site visit. I will be on vacation the week of the briefing, site visit, and possible RA's meeting so I won't be able to go with you. I've copied Maureen's supervisor, Paul Gotthold, with this message. You can contact him for info should you ever need some and Maureen is not available.

Ken

Gary Greening



Gary Greening 09/03/02 03:00 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop Borough

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1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Mary Boyer

Mary Boyer 08/20/2002 04:03 PM To: Kenneth Kryszczun/R3/USEPA/US@EPA cc: Maureen Essenthier/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

No problem. I will make it happen.

Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun

Kenneth Kryszczun

08/20/02 02:56 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA

Subject: Marjol battery site inspection and technical meeting with Throop

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---- Forwarded by Kenneth Kryszczun/R3/USEPA/US on 08/20/02 02:52 PM -----



Maureen Essenthier 08/20/02 02:09 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA

CC:

Subject: Marjol battery site inspection and technical meeting with Throop

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Gary Greening to: Maureen Essenthier

09/04/2002 09:00 AM

Sent by:

Cc: Stephen Schanamann

From: Gary Greening/OIG/USEPA/US
To: Maureen Essenthier/R3/USEPA/US,

Cc: Stephen Schanamann/OIG/USEPA/US@EPA

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Maureen Essenthier



Maureen Essenthier 09/03/2002 03:47 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

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Gary Greening 09/03/2002 03:00 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

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Mary Boyer

08/20/2002 04:03 PM

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Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

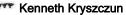
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Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun



08/20/02 02:56 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA

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CC:

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Re: Fw: Marjol Meeting Mary Boyer to: Throop Borough

Cc: Eileen McMahon Bcc: Gary Greening

From: Mary Boyer/R4/USEPA/US

To: Throop Borough <throopboro@adelphia.net>, Cc: Eileen McMahon/OIG/USEPA/US@EPA

Bcc: Gary Greening/OIG/USEPA/US

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cc: Eileen McMahon/OIG/USEPA/US@EPA

Throop Borough <throopboro@adelphia.net>



Throop Borough <throopboro@adelphia.</pre>

Subject: Fw: Marjol Meeting

02/20/03 01:43 PM

----Original Message----

From: Throop Borough throopboro@adelphia.net To: Gary Greening <greening.gary@epa.gov> Cc: Douglas R. Blazey drb@erse.com Date: Thursday, February 20, 2003 1:34 PM

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

02/20/2003 02:03 PM

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

Please be advised that Throop Borough Council and the Mayor at their Special Monthly Work Session on February 13, 2003 discussed Gannett Fleming's request to meet with EPA prior to a public meeting. Throop Borough Officials do not feel that it is necessary to have Gannett Fleming meet with EPA prior to a public meeting. Members of Council and the Mayor said that anything that needs to be discussed can be done in public.

Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney Doug Blazey, and all legislative officials to attend.

Sincerely,

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials



Maureen Essenthier to: Gary Greening

09/12/2002 08:52 AM

Kenneth Kryszczun, Mary Boyer, Paul Gotthold, Stephen

Schanamann, Joan Schafer, Yvette Hamilton

From: Maureen Essenthier/R3/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Joan

Schafer/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA

Gary,

I'm back in the office today. The time for the meeting between the Throop representatives and the RA is set. It is scheduled for Friday, 9/20, 10 am to noon. It will be held in the 4th floor Brandywine conference room. I need to prepare a list of attendees for the security desk. Based on past discussions, I have listed you and Peggy Boyer as attendees. Please let me know if this is correct.

Please check in at the security desk in the lobby when you arrive. They will direct you to the conference room.

Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening To: Paul Gotthold/R3/USEPA/US@EPA

09/12/2002 07:28 AM cc: Kenneth Kryszczun/R3/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

Paul.

I think Maureen is out of the office until tomorrow and I am out of the office starting tomorrow. Have the plans (date, time, location) for the meeting between the RA and Throop officials been firmed up yet?

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Paul Gotthold



Paul Gotthold 09/04/2002 10:52 AM

To: Kenneth Kryszczun/R3/USEPA/US@EPA cc: Gary Greening/OIG/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

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Paul Gotthold PA Operations, WCMD 215-814-3410 gotthold.paul@epa.gov Kenneth Kryszczun



Kenneth Kryszczun

09/03/02 03:30 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: Mary Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Paul

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Gary Greening 09/03/02 03:00 PM

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E-Mail: greening.gary@epa.gov

Mary Boyer

Mary Boyer To: Kenneth Kryszczun/R3/USEPA/US@EPA cc: Maureen Essenthier/R3/USEPA/US@EPA, Gary 08/20/2002 04:03 PM Greening/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

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Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun

Kenneth Kryszczun

08/20/02 02:56 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA

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Maureen Essenthier 08/20/02 02:09 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA

Subject: Marjol battery site inspection and technical meeting with Throop Borough

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Paul Gotthold to: Kenneth Kryszczun

09/04/2002 10:52 AM

Gary Greening, Mary Boyer, Maureen Essenthier, Stephen

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To: Kenneth Kryszczun/R3/USEPA/US@EPA,

Cc: Gary Greening/OIG/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Maureen

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Kenneth Kryszczun

09/03/02 03:30 PM

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Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Mary Boyer

Mary Boyer

08/20/2002 04:03 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

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EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun



Kenneth Kryszczun

08/20/02 02:56 PM

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Maureen Essenthier

To: Kenneth Kryszczun/R3/USEPA/US@EPA



08/20/02 02:09 PM

CC:

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Mary Boyer, Maureen Essenthier, Stephen Schanamann, Paul

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Sent by:

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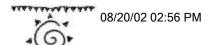
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Public not invited to Marjol session . . .

Gary Greening to:

Maureen Essenthier, Paul Gotthold, Kenneth Kryszczun

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Paul Gotthold/R3/USEPA/US, Kenneth

Kryszczun/R3/USEPA/US,

Don't always believe what you read in the newspaper. When I called the mayor to arrange a meeting, HE suggested who should be there. We did not DICTATE who should attend although, it is true, we did not want an open forum.

Public not invited to Marjol session

By Stephen Daily 10/04/2002

THROOP -- Officials from the Environmental Protection Agency's office of inspector general will visit Throop on Wednesday to gather information on the concerns surrounding the Marjol Battery site, but the public is not invited to participate.

In a Sept. 30 letter from newly appointed EPA ombudsman Mary Boyer to Throop Mayor Stan Lukowski, Ms. Boyer and two of her aides, Gary R. Greening and Steve Schanamann, agreed to meet only with Mr. Lukowski, Throop Council President Jim Barnick and three members of the Marjol Citizens Review Committee in the Throop Municipal Building.

The letter did not invite the public or media to the meeting.

"They're dictating to us who should and shouldn't be there," Mr. Lukowski said. "I would never plan a meeting that would not involve the public." The mayor added he believes the meeting should be held in the civic center and be open to

10/04/2002 08:29 AM

everyone.

Ms. Boyer did not return repeated phone calls but Eileen McMahon, spokeswoman for the inspector general's office, said the purpose of the meeting is not conducive to a public forum.

"The ombudsman is not coming up to brief anyone or make an announcement. This is an opportunity for the ombudsman to come up and listen and take in information," Ms. McMahon said. "A public meeting could have 200 people and the purposes we want to serve would not be met by a public meeting." Ms. McMahon said the public still has the opportunity to convey information to the inspector general's office through calls or e-mails.

In April, former EPA ombudsman Robert Martin resigned after EPA administrator Christine Whitman merged his office with the inspector general's office. Ms. Whitman said the move was intended to give Mr. Martin more independence, but Mr. Martin said the move forced him to report to someone who would determine his priorities.

Ms. Boyer has not yet directly contacted any officials from the borough. On Sept. 17, Mr. Greening and Mr. Schanamann toured the Marjol site, but no borough officials or members of the Marjol Citizens Review Committee were contacted.

This angered Susan Shortz, Throop resident and member of the Citizens Review Committee, who has fought adamantly for over a decade for removal of buried lead contamination from the site.

"If their intent is to come in here and gain our trust, this is not the way to do it," she said. "To come in right off the bat and dictate who will be at the meeting and what they will say and what is going to occur makes me very untrusting." Ms. Shortz is also upset that two EPA employees toured the site without contacting the borough.

"They obviously met with Gould (the owner of the Marjol site) because they need their permission to tour the site. They've probably already made up their mind and they're going to stay with that cap," she said. "I feel she should come in with an open mind." When Mr. Martin toured the Marjol site in August 2000, borough officials, residents and representatives from Sens. Arlen Specter and Rick Santorum's offices were invited to accompany him and voice their concerns.

In 2000, the EPA issued a cleanup order that would remove only a portion of the hazardous waste, while the rest would remain under an impermeable cap. The borough continues to fight for a complete removal of the lead and battery casings.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460 Phone: (202) 566-1504 FAX: (202) 566-2549 E-Mail: greening.gary@epa.gov



Public not invited to Marjol session . . .

Gary Greening

Maureen Essenthier, Paul Gotthold, Kenneth

10/04/2002 08:48 AM

Sent by:

Gary Greening/OIG/USEPA/US From:

Maureen Essenthier/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Kenneth To:

Kryszczun/R3/USEPA/US@EPA,

Don't always believe what you read in the newspaper. When I called the mayor to arrange a meeting, HE suggested who should be there. We did not DICTATE who should attend although, it is true, we did not want an open forum. It is just an information gathering session.

Public not invited to Marjol session

By Stephen Daily 10/04/2002

THROOP -- Officials from the Environmental Protection Agency's office of inspector general will visit Throop on Wednesday to gather information on the concerns surrounding the Marjol Battery site, but the public is not invited to participate.

In a Sept. 30 letter from newly appointed EPA ombudsman Mary Boyer to Throop Mayor Stan Lukowski, Ms. Boyer and two of her aides, Gary R. Greening and Steve Schanamann, agreed to meet only with Mr. Lukowski, Throop Council President Jim Barnick and three members of the Marjol Citizens Review Committee in the Throop Municipal Building.

The letter did not invite the public or media to the meeting.

"They're dictating to us who should and shouldn't be there," Mr. Lukowski said. "I would never plan a meeting that would not involve the public." The mayor added

he believes the meeting should be held in the civic center and be open to everyone.

Ms. Boyer did not return repeated phone calls but Eileen McMahon, spokeswoman for the inspector general's office, said the purpose of the meeting is not conducive to a public forum.

"The ombudsman is not coming up to brief anyone or make an announcement. This is an opportunity for the ombudsman to come up and listen and take in information," Ms. McMahon said. "A public meeting could have 200 people and the purposes we want to serve would not be met by a public meeting." Ms. McMahon said the public still has the opportunity to convey information to the inspector general's office through calls or e-mails.

In April, former EPA ombudsman Robert Martin resigned after EPA administrator Christine Whitman merged his office with the inspector general's office. Ms. Whitman said the move was intended to give Mr. Martin more independence, but Mr. Martin said the move forced him to report to someone who would determine his priorities.

Ms. Boyer has not yet directly contacted any officials from the borough. On Sept. 17, Mr. Greening and Mr. Schanamann toured the Marjol site, but no borough officials or members of the Marjol Citizens Review Committee were contacted.

This angered Susan Shortz, Throop resident and member of the Citizens Review Committee, who has fought adamantly for over a decade for removal of buried lead contamination from the site.

"If their intent is to come in here and gain our trust, this is not the way to do it," she said. "To come in right off the bat and dictate who will be at the meeting and what they will say and what is going to occur makes me very untrusting." Ms. Shortz is also upset that two EPA employees toured the site without contacting the borough.

"They obviously met with Gould (the owner of the Marjol site) because they need their permission to tour the site. They've probably already made up their mind and they're going to stay with that cap," she said. "I feel she should come in with an open mind." When Mr. Martin toured the Marjol site in August 2000, borough officials, residents and representatives from Sens. Arlen Specter and Rick Santorum's offices were invited to accompany him and voice their concerns.

In 2000, the EPA issued a cleanup order that would remove only a portion of the hazardous waste, while the rest would remain under an impermeable cap. The borough continues to fight for a complete removal of the lead and battery casings.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460 Phone: (202) 566-1504 FAX: (202) 566-2549 E-Mail: greening.gary@epa.gov

Re: Ombudsman's Investigation - Marjol Battery RCRA Site - Throop, PA

Mary Boyer to: Cronmiller, James

05/07/2003 10:25 AM

Cc: Maureen Essenthier, Paul Gotthold

Bcc: Gary Greening

From: Mary Boyer/R4/USEPA/US

To: "Cronmiller, James" < JCronmiller@gouldelectronics.com>,

Cc: Maureen Essenthier/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

Bcc: Gary Greening/OIG/USEPA/US

We are still trying to hire a consultant under the Government's "FAST" contract. Once she/he is under contract, we estimate a draft report within 30 days.

"Cronmiller, James" < JCronmiller@gouldelectronics.com>



"Cronmiller, James" <JCronmiller@gouldele ctronics.com>

05/07/03 09:28 AM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA

Subject: Ombudsman's Investigation - Marjol Battery RCRA Site - Throop, PA

Dear Ms. Boyer:

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" /> It has been a few months since I last tried to contact you. I was curious about the status of your investigation concerning the Marjol Battery RCRA Site, located in Throop, PA.

I heard from Maureen Essenthier, EPA Region III Project Manager, that you were in the process of locating a consultant who had expertise in anthracite coal mining issues. Have you located someone with these qualifications? Can you give me an idea of when your investigation would be concluded and your final report would be issued?

We would appreciate some information on the timing issues so that Gould can make appropriate future plans for the site.

Please do not hesitate to contact me if you have any questions or if you need additional information.

Sincerely,

Jim Cronmiller
Director, Corporate Environmental Affairs

Gould Electronics Inc.



Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6,

Yvette Hamilton to: Gary Greening

05/01/2003 09:32 AM

From: Yvette Hamilton/R3/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Good morning Gary,

Diane Ajl, who is my immediate supervisor, is the Chief of the Site Remediation Enforcement Branch #3.

William Early is the Regional Counsel.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603 Gary Greening



Gary Greening To: Yvette Hamilton/R3/USEPA/US@EPA

04/29/2003 01:44 PM

Subject: Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

For my information, who is Diane Ajl and William Early (sorry, I don't mean to offend anyone)? I am not familiar with those two names.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

0, 2

Good afternoon Gary,

Below is the last status report you shared with us regarding the Ombudsman's review of the Marjol Battery matter. Based on your report below, it was my understanding that the information submitted by Throop Borough merited further consideration. To that end, your office was in the process of reviewing the data. Would you please provide us an update on your current thoughts on the Throop information? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

---- Forwarded by Yvette Hamilton/R3/USEPA/US on 04/29/2003 12:03 PM -----



Gary Greening 01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

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(b) (6), (b) (7)(C)

about my draft findings and conclusions. However, I will briefly outline them below:

Prior to receiving the Throop letter dated December 16, 2002, we were in the process of drafting a letter to inform the concerned parties that we intended to close out the Ombudsman's Marjol Battery case in 30 days.

In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional

Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

We did finally receive the new information in late October and it appeared to merit further consideration. The information was a draft report on mine subsidence prepared by Gould's contractor, dated December 22, 1992. The draft report identified a geological feature on the Marjol property that could have potentially affected the proposed remedy. This geological feature was omitted, without comment or explanation, from the final report that was officially submitted to and used by EPA Region 3 in developing the proposed Marjol final remedy. We have provided EPA Region 3 (Maureen Essenthier) and the Pennsylvania Department of Environmental Protection (Robert K. Lewis) with copies of the draft report on October 29, 2002 for their consideration and informal comments. As of this date, we have not received comments from either Region 3 or PADEP.

We did not initially want to drop the case after our experience in Throop. Rather, on October 10, 2002, we asked Senators Specter's and Santorum's staffs to consider sponsoring meetings with concerned citizens and groups. Additionally, we sent letters to citizens in Throop on November 21, 2002 asking if they had additional information. To date, we have not heard from the Senators' offices nor the citizens themselves and just recently received the December 16, 2002, letter from the Throop Borough officials. Peggy has informed me that she would be willing to attend a public meeting, preferably between the hours of 8:30 a.m. and 5:00 p.m. <u>if</u>

Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T

Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

04/29/2003 01:39 PM

Mary Boyer to: Gary Greening

Mary Boyer/R4/USEPA/US Gary Greening/OIG/USEPA/US@EPA, To:

looks good to me. See my suggestion below

Gary Greening

From:



Gary Greening To: Mary Boyer/R4/USEPA/US@EPA

04/29/03 12:54 PM

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

6. 2003.

I just received this. Here is how I plan to respond, see if it is OK:

Subsequent to the previous status report (shown below), we received comments on the "new information" from EPA Region 3, PADEP, and Gould and their subcontractor. In summary, they all said the new information had no bearing on the proposed final remedy and that this "new" information was addressed previously.

The Acting Ombudsman was then directed to acquire an independent, anthracite mining expert that could evaluate and opine on the validity of EPA/PADEP's versus Throop's subsidence and mine fire issues associated with the Marjol site.

During the month of February, we attempted to access an expert with the US Office of Surface Mining in Wilkes-Barre, PA. Unfortunately, after thinking he was going to accept the assignment, his management declined. We then started the contracting process to hire an anthracite mining expert, specifically one that did not have a personal or financial conflict of interest with all of the parties involved from EPA R3, PADEP, on down through Gould and their contractors and subcontractors to the Borough of Throop and all their contractors and subcontractors. I submitted the final drafted work request to our contract specialist on March 18, 2003. Between March 18th and now, there were a number of typical contracting delays, from funding, to the Contract Specialist in training or higher priority work, to getting the right officials to sign off on it. Right now it is with the prime contractor who is negotiating with a person they identified to meet our needs. He should be on board soon (or so I was told last Friday).

---- Forwarded by Gary Greening/OIG/USEPA/US on 04/29/2003 12:51 PM -----



To: Gary Greening/OIG/USEPA/US@EPA cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

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Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

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Gary Greening 01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

6, 2003

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(b) (6)

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Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Re: Marjol Meeting

Mary Boyer to: Nikki Tinsley 02/24/2003 01:09 PM

Cc: Eileen McMahon, Gary Greening, GaryL Johnson

From: Mary Boyer/R4/USEPA/US

To: Nikki Tinsley/OIG/USEPA/US@EPA,

Cc: Eileen McMahon/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, GaryL

Johnson/OIG/USEPA/US@EPA

We have been discussing this with the Council, Mayor and Region 2. We have every intention to attend as soon as Region 3 completes their review of the new material from the Council that we forwarded to the Region.

Nikki Tinsley

Nikki Tinsley
To: Mary Boyer/R4/USEPA/US@EPA, Eileen
02/22/03 01:22 PM
McMahon/OIG/USEPA/US@EPA, GaryL

Johnson/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

CC:

Subject: Re: Marjol Meeting

We may want to be on the record as an attendee so that we can hear what the public has to say. Mary Boyer

Mary Boyer To: Nikki Tinsley/OIG/USEPA/US@EPA

02/20/2003 02:08 PM cc:

Subject: Marjol Meeting

Doesn't look like Interior/BLM wants to help us out.

---- Forwarded by Mary Boyer/R4/USEPA/US on 02/20/03 02:06 PM -----



Gary Greening To: Mary Boyer/R4/USEPA/US@EPA

02/20/03 02:00 PM cc: Eileen McMahon/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Marjol Meeting

This just in . . . I forwarded a voicemail I just received to Peggy from Kuhns of the Office of Surface Mining. Bottom line from Kuhns, his boss told him to stay out of the squabble between the various parties. He said we could request his assistance from his headquarters, but he doesn't think that would get us anywhere either. He was sorry that he initially informed us he could help.



Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460 Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 01:53 PM -----



Throop Borough

02/20/2003 01:34 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: "Douglas R. Blazey" drb@erse.com

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

Please be advised that Throop Borough Council and the Mayor at their Special Monthly Work Session on February 13, 2003 discussed Gannett Fleming's request to meet with EPA prior to a public meeting. Throop Borough Officials do not feel that it is necessary to have Gannett Fleming meet with EPA prior to a public meeting. Members of Council and the Mayor said that anything that needs to be discussed can be done in public.

Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney Doug Blazey, and all legislative officials to attend.

| Sincerel | у, |
|----------|----|
| | " |

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials

Re: Marjol Meeting 🗎

Nikki Tinsley to: Mary Boyer, Eileen McMahon, GaryL Johnson, Gary

Greening

02/22/2003 06:05 PM

From: Nikki Tinsley/OIG/USEPA/US

To: Mary Boyer/R4/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, GaryL

Johnson/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA,

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Mary Boyer To: Nikki Tinsley/OIG/USEPA/US@EPA

02/20/2003 02:08 PM cc:

Subject: Marjol Meeting

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02/20/03 02:00 PM

---- Forwarded by Mary Boyer/R4/USEPA/US on 02/20/03 02:06 PM -----



Gary Greening To: Mary Boyer/R4/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Marjol Meeting

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(b) (5)

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 01:53 PM -----



Throop Borough To: Gary Greening/OIG/USEPA/US@EPA cc: "Douglas R. Blazey" <drb@erse.com>

et> Subject: Marjol Meeting

02/20/2003 01:34 PM

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

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Sincerely,

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials

Re: Public not invited to Marjol session

Mary Boyer to: Gary Greening

Cc: Eileen McMahon, GaryL Johnson, Stephen Schanamann

From: Mary Boyer/R4/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Eileen McMahon/OIG/USEPA/US@EPA, GaryL Johnson/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Man, we can't make anybody happy can we? We hardly have enough staff for a group hug to feel better about ourselves!!! No wonder Martin and Kaufman lied to the citizens. Have a good weekend and polish your armor before next week.

Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Gary Greening



Gary Greening 10/04/02 08:15 AM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, GaryL Johnson/OIG/USEPA/US@EPA

CC:

Subject: Public not invited to Marjol session . . .

Peggy - I think when we go into this meeting the first thing that needs to be said is that this is a LIE. The mayor "dictated" who will be at the meeting, NOT the Ombudsman!

Public not invited to Marjol session

By Stephen Daily 10/04/2002

10/04/2002 12:41 PM

THROOP -- Officials from the Environmental Protection Agency's office of inspector general will visit Throop on Wednesday to gather information on the concerns surrounding the Marjol Battery site, but the public is not invited to participate.

In a Sept. 30 letter from newly appointed EPA ombudsman Mary Boyer to Throop Mayor Stan Lukowski, Ms. Boyer and two of her aides, Gary R. Greening and Steve Schanamann, agreed to meet only with Mr. Lukowski, Throop Council President Jim Barnick and three members of the Marjol Citizens Review Committee in the Throop Municipal Building.

The letter did not invite the public or media to the meeting.

"They're dictating to us who should and shouldn't be there," Mr. Lukowski said. "I would never plan a meeting that would not involve the public." The mayor added he believes the meeting should be held in the civic center and be open to everyone.

Ms. Boyer did not return repeated phone calls but Eileen McMahon, spokeswoman for the inspector general's office, said the purpose of the meeting is not conducive to a public forum.

"The ombudsman is not coming up to brief anyone or make an announcement. This is an opportunity for the ombudsman to come up and listen and take in information," Ms. McMahon said. "A public meeting could have 200 people and the purposes we want to serve would not be met by a public meeting." Ms. McMahon said the public still has the opportunity to convey information to the inspector general's office through calls or e-mails.

In April, former EPA ombudsman Robert Martin resigned after EPA administrator Christine Whitman merged his office with the inspector general's office. Ms. Whitman said the move was intended to give Mr. Martin more independence, but Mr. Martin said the move forced him to report to someone who would determine his priorities.

Ms. Boyer has not yet directly contacted any officials from the borough. On Sept. 17, Mr. Greening and Mr. Schanamann toured the Marjol site, but no borough officials or members of the Marjol Citizens Review Committee were contacted.

This angered Susan Shortz, Throop resident and member of the Citizens Review Committee, who has fought adamantly for over a decade for removal of buried lead contamination from the site.

"If their intent is to come in here and gain our trust, this is not the way to do it," she said. "To come in right off the bat and dictate who will be at the meeting and what they will say and what is going to occur makes me very untrusting." Ms. Shortz is also upset that two EPA employees toured the site without contacting the borough.

"They obviously met with Gould (the owner of the Marjol site) because they need their permission to tour the site. They've probably already made up their mind

and they're going to stay with that cap," she said. "I feel she should come in with an open mind." When Mr. Martin toured the Marjol site in August 2000, borough officials, residents and representatives from Sens. Arlen Specter and Rick Santorum's offices were invited to accompany him and voice their concerns.

In 2000, the EPA issued a cleanup order that would remove only a portion of the hazardous waste, while the rest would remain under an impermeable cap. The borough continues to fight for a complete removal of the lead and battery casings.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Marjol - Scranton Times Article . . .

Gary Greening to: Paul Mckechnie, Stephen Schanamann

Sent by:

Cc: Eileen McMahon, Nancy Long

From: Gary Greening/OIG/USEPA/US

To: Paul Mckechnie/R1/USEPA/US, Stephen Schanamann/OIG/USEPA/US,
Cc: Eileen McMahon/OIG/USEPA/US@EPA, Nancy Long/OIG/USEPA/US@EPA

http://www.zwire.com/site/news.cfm?newsid=12450522&BRD=2185&PAG=461&dept_id=416045&rfi=6

Stalemate Over Marjol Remains

BY DAVID BURGER THE SCRANTON TIMES

07/23

THROOP -- After a nearly two-hour special meeting on the Marjol Battery Site, the stalemate between the Throop Borough Council and the U.S. Environmental Protection Agency continuous Thursday with disagreements on how to settle the issue.

Several representatives from the EPA, which scheduled the public meeting with the council, maintained that capping the contaminated soil and waste material would be the safest and most economical way to clean up lead contamination at the while the council and a vocal audience countered that they would only be satisfied with the removal of the soil and waste altogether.

Advertisement

07/23/2004 08:42 AM



Designed as an informational meeting, it ended with frustration on both sides.

"It's unbelievable the way you people think," Mayor Stanley Lukowski said to EPA representatives.

The meeting was called by the EPA to discuss the Final Ombudsman Report that was issued May 18 by Paul McKechnie acting national ombudsman from the Office of the Inspector General of the EPA.

The report said that capping the consolidated contaminated soil with a noncombustible, reliable barrier would be the safes to deal with the problem, and added that the risk for mine fires in abandoned mines underneath and near the site was mir

The council repeatedly responded that removing all of the contaminated soil from the site is the only sure way of removing health threats from Throop, but the EPA said that excavation of the soil would only present more environmental and healt risks into the region.

After the meeting, Councilwoman Daryl Menichetti said the EPA was only trying to scare Throop residents by saying that excavation would recontaminate the area.

The Marjol Battery and Equipment Site is a former battery processing facility located at 600 Delaware St. on a 44-acre pa the borough. The property is owned by Gould Inc. From 1963 to 1981, Marjol operations involved battery crushing, lead reclamation and on-site disposal of spent battery casings, leading to the ground surface of the site being contaminated wi lead. Storm water run-off, fugitive dust emissions and winds have introduced lead into the surrounding areas.

About 5,500 people live within a one-mile radius of the site.

©Scranton Times Tribune 2004



Marjol - Scranton Times Article . . . Gary Greening to: Yvette Hamilton Sent by:

07/23/2004 08:52 AM

From: Gary Greening/OIG/USEPA/US
To: Yvette Hamilton/R3/USEPA/US,

Yvette,

Sounds like you should have been there. Have you talked to Maureen?

http://www.zwire.com/site/news.cfm?newsid=12450522&BRD=2185&PAG=461&dept_id=416045&rfi=6

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Re: Marjol meeting is ON Gary Greening to: Eileen McMahon Sent by:

02/06/2004 01:52 PM

From: Gary Greening/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,

The only detail I have is that we are meeting with Rep. Kanjorski, some Region 3 people, some Throop citizens, Throop's expert, and Dr. Heasley at 2:00 p.m. at Kanjorski's Wilkes-Barre office which is located in the Stegmaier Building at 7 North Wilkes-Barre Blvd.

Am I missing anything?

Eileen McMahon



Eileen McMahon 02/06/2004 01:46 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Thanks.

Do you guys have all the meeting details?

Gary Greening



Gary Greening 02/06/2004 01:14 PM

To: Eileen McMahon/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Steve has been in Pensacola (Escambia) all week and is flying back today. My understanding is that Steve will be in attendance in Wilkes-Barre on Monday.

Eileen McMahon



Eileen McMahon 02/06/2004 12:50 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

As soon as I can get into travel manager, it'll be done.

Steve are you going? Gary Greening



Gary Greening

To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 11:28 AM cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

GREAT!

Paul needs his TA approved.

Eileen McMahon



To: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

cc:

Subject: Marjol meeting is ON



Re: Status of the Ombudsman's Marjol Battery Case as of May 2, 2003



05/05/2003 08:27 AM

Sent by:

Diane Ajl, Mary Boyer, Maureen Essenthier, Stephen Cc:

Schanamann, Yvette Hamilton

Gary Greening to: William Early

Gary Greening/OIG/USEPA/US From: William Early/R3/USEPA/US, To:

Cc: Diane Ajl/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Once the expert is on board, we will receive weekly status reports on Fridays with a draft report due 30 days after starting work.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

William Early



William Early To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, 05/03/2003 04:56 PM

Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: Status of the Ombudsman's Marjol Battery Case as of May 2, 2003

Gary,

Thanks for the status report. Any projection on how long the review by the mining expert will take?

William C. Early Regional Counsel Middle Atlantic Region U. S. Environmental Protection Agency 215 814 2626 215 814 2603 (Fax) Early.William@epa.gov Gary Greening



Gary Greening To: Yvette Hamilton/R3/USEPA/US@EPA



05/02/2003 07:51 AM

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Status of the Ombudsman's Marjol Battery Case as of May 2, 2003

Subsequent to the previous status report (shown below), we received comments on the "new information" from EPA Region 3, PADEP, and Gould and their subcontractor. In summary, they all said the new information had no bearing on the proposed final remedy and that this "new" information was addressed previously.

The Acting Ombudsman was then directed to acquire an independent, anthracite mining expert who could evaluate and opine on the validity of EPA/PADEP's versus Throop's subsidence and mine fire issues associated with the Marjol site.

During the month of February, we attempted to access an expert with the US Office of Surface Mining in Wilkes-Barre, PA. Unfortunately, after thinking he was going to accept the assignment, his management declined. We then started the contracting process to hire an anthracite mining expert, specifically one that did not have a personal or financial conflict of interest with all of the parties involved from EPA R3, PADEP, on down through Gould and their contractors and subcontractors to the Borough of Throop and all their contractors and subcontractors. I submitted the final drafted work request to our contract specialist on March 18, 2003. Between March 18th and now, there were a number of typical contracting delays, from funding, to the Contract Specialist in training or higher priority work, to getting the right officials to sign off on it. Right now it is with the prime contractor who is negotiating with a person they identified to meet our needs. Just yesterday, May 1, 2003, the contractor sent back their proposal, which we have approved. The work request is in our front office awaiting signature. He should be on board soon.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

6, 2003.

Good afternoon Gary,

Below is the last status report you shared with us regarding the Ombudsman's review of the Marjol Battery matter. Based on your report below, it was my understanding that the information submitted by Throop Borough merited further consideration. To that end, your office was in the process of reviewing the data. Would you please provide us an update on your current thoughts on the Throop information? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

---- Forwarded by Yvette Hamilton/R3/USEPA/US on 04/29/2003 12:03 PM -----



Gary Greening

01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

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(b) (6)

, about my draft findings and conclusions. However, I will briefly outline them below:

Prior to receiving the Throop letter dated December 16, 2002, we were in the process of drafting a letter to inform the concerned parties that we intended to close out the Ombudsman's Marjol Battery case in 30 days.

In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our

office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

We did finally receive the new information in late October and it appeared to merit further consideration. The information was a draft report on mine subsidence prepared by Gould's contractor, dated December 22, 1992. The draft report identified a geological feature on the Marjol property that could have potentially affected the proposed remedy. This geological feature was omitted, without comment or explanation, from the final report that was officially submitted to and used by EPA Region 3 in developing the proposed Marjol final remedy. We have provided EPA Region 3 (Maureen Essenthier) and the Pennsylvania Department of Environmental Protection (Robert K. Lewis) with copies of the draft report on October 29, 2002 for their consideration and informal comments. As of this date, we have not received comments from either Region 3 or PADEP.

We did not initially want to drop the case after our experience in Throop. Rather, on October 10, 2002, we asked Senators Specter's and Santorum's staffs to consider sponsoring meetings with concerned citizens and groups. Additionally, we sent letters to citizens in Throop on November 21, 2002 asking if they had additional information. To date, we have not heard from the Senators' offices nor the citizens themselves and just recently received the December 16, 2002, letter from the Throop Borough officials. Peggy has informed me that she would be willing to attend a public meeting, preferably between the hours of 8:30 a.m. and 5:00 p.m. <u>if</u>

Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6,

2003.

Gary Greening to: Yvette Hamilton

04/29/2003 01:44 PM

Sent by:

From: Gary Greening/OIG/USEPA/US
To: Yvette Hamilton/R3/USEPA/US,

For my information, who is Diane Ajl and William Early (sorry, I don't mean to offend anyone)? I am not familiar with those two names.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Yvette Hamilton

04/29/2003 12:07 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

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Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636

Fax: (215) 814-2603

---- Forwarded by Yvette Hamilton/R3/USEPA/US on 04/29/2003 12:03 PM -----



Gary Greening

01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette
Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

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Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Status of the Ombudsman's Marjol Battery Case as of May 2, 2003 Gary Greening to: Yvette Hamilton

05/02/2003 07:51 AM

Sent by:

Diane Ajl, William Early, Mary Boyer, Maureen Essenthier, Cc:

Stephen Schanamann

Gary Greening/OIG/USEPA/US From: Yvette Hamilton/R3/USEPA/US, To:

Cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

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Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

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Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

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Gary Greening 01/06/2003 12:47 PM

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Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

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Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW

Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549



Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6,

2003.

Gary Greening to: Stephen Schanamann

01/06/2003 02:01 PM

Sent by:

Gary Greening/OIG/USEPA/US From:

To: Stephen Schanamann/OIG/USEPA/US,

No. I did talk to Maureen in late November, early December, and she said they were going to formally ask PA-BAMR folks to comment. She said at that time she didn't expect them to get back to here until early January. So, hopefully, this will "jog her memory" and she will see that we are awaiting something from them. Hopefully . . .

I will let you know if I hear anything more. In the meantime, check out this web site:

http://mines.thebreakerboys.com/EddyTunnel/

This mine goes directly under the Marjol site. I've e-mailed the explorers and I am trying to gain their trust so they will let me or someone from our office review their mine maps and interview them.

Stephen Schanamann



Stephen Schanamann

To: Gary Greening/OIG/USEPA/US@EPA

01/06/2003 01:53 PM

Subject: Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

Gary,

As far as my memory serves, this is an accurate description of events. I am sorry that neither the State nor the Region has responded to the draft report. Any idea why no response at all?

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 01/06/2003 12:47 PM To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

6, 2003.

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Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549



Anthracite Mining Expert Gary Greening to: David Reisman

Sent by:

id Reisman 03/11/2003 08:52 AM

From: Gary Greening/OIG/USEPA/US
To: David Reisman/CI/USEPA/US,

David,

Maureen Essenthier, EPA Region 3, gave me your name. I am with the EPA Office of Inspector General's Ombudsman's Office. I work for the acting National Ombudsman, Mary "Peggy" Boyer. Currently, I am reviewing the Marjol Battery RCRA site in Throop, Pennsylvania. Maureen said you may know an Anthracite Mining Expert. I am in need of an Anthracite Mining Expert (either an internal EPA or an outside of EPA person) that can provide us with and independent and objective letter report discussing and providing an opinion on:

- 1. The subsurface geological features and their potential effect on the USEPA's proposed final remedy for the site. Specifically, the validity of calculations developed and used by BAMR concerning the potential for and estimating the amount of subsidence that can be expected at the Marjol site;
- 2. The geological considerations Throop's contractor Gannett Fleming used to oppose the USEPA's final remedy; and
- 3. The validity and persuasiveness of a draft report on possible subsidence at the site provided to this office by lawyers for the Borough of Throop and the rebuttal provided by Gould.

The person(s) working on this case can not have a <u>personal</u> or <u>financial</u> interest in USEPA Region 3, Gould (the current site owner), Advanced GeoServices Corporation (Gould's contractor), GAI Consultants (subcontractor to Advanced GeoServices), the Borough of Throop, or Gannett Fleming (Throop's contractor).

Maureen said you may have looked at some aspects of this site, but as way of background: The Marjol Battery Site operated as a lead battery crushing and reclamation plant between 1963 and 1981. Approximately six to seven tons of lead, recovered from the batteries, were processed daily in a melting pot. Crushed battery casing materials (BCM) were discarded into on-site strip mining pits, a drainage way to the south, and an area in the eastern portion of the site referred to as the primary BCM fill area. As a result of the plant operations, the ground surface at the site became contaminated with lead. Fugitive dust emissions and lead contained in on-site soils were carried off-site by windborne transport. Stormwater runoff carried lead contaminated soil off-site into adjacent drainage ways toward a creek that borders the site. This creek, Sulphur Creek, was also contaminated with lead. Gould Inc. purchased the Marjol Battery and Equipment Company in May 1980 and ceased operations at the site in April 1982. Prior to site operations, the property was used primarily for surface strip mining and deep mining of anthracite coal. Nine coal seams were deep mined beneath the site by various coal companies prior to 1961. The Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Bureau of Abandoned Mine Reclamation (BAMR), contractors for the Gould Company, contractors for the Borough of Throop, and US Environmental Protection Agency's (USEPA) Region 3 Technical Assistance Team have all conducted investigations at the Marjol site. Subsequently, USEPA Region 3 conducted site remediation consisting of contaminated soil removal and battery casing removal from the site and nearby residential areas, site stabilization, and consolidation of off-site material on-site in two stock piles; a high hazard and a low hazard stock pile. USEPA has proposed, and PADEP and BAMR agree with, a final remedy for the site, which the Borough of Throop opposes.

Let me know if you can assist. Today, Tuesday, March 11, my office is moving so I may not be able to receive office phone calls. Hopefully, by tomorrow, everything will be up and running.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549



Re: Marjol Battery Site Visit

Gary Greening to: Stephen Schanamann

Sent by:

Bcc: Mary Boyer

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,
Bcc: Mary Boyer/R4/USEPA/US@EPA

Steve.

I'm just getting back from two weeks of vacation and now I've finally been through all of my e-mails. Darn, I thought this job would be closed out by the time I got back, oh well. . .

In my reading of the e-mail traffic that were sent to me, I did not get the same sense you did that it was at Peggy's initiation for us to meet with the RA and Throop Borough on the 19th or 20th. I read it that it was Maureen asking that we be present and Peggy saying that she will see that it happens.

Since Peggy has asked me, I would like to attend the pre-site briefing with you on 9/16 and the site visit on 9/17 with you. My participation would be limited to information gathering/analyzing/listening capacity, not to hold public hearings or meetings. Peggy has also asked that we sit in on the RA's meeting with Throop Borough on either the 19th or 20th. I think that is important too. I will be attending that, again in an information gathering/analyzing/listening capacity. I would greatly appreciate it if you could rearrange your schedule and participate in that meeting too. Since we will be relying on your analysis greatly, I think it would be beneficial to hear all sides of the arguments. Also, we could use the 18th to review the relevant parts of the Administrative Record and push for the meeting with the RA and Throop on the 19th.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Stephen Schanamann



Stephen Schanamann To: Gary Greening/OIG/USEPA/US@EPA

08/30/2002 03:58 PM

Subject: Marjol Battery Site Visit

Gary,

Since I tentatively set up the site visit to Marjol, Peggy has made some either changes or has wishes she did not mention to me earlier, I don't know which. I had originally planned with the site manager to go up myself on Monday 9/16, meet with regional staff that afternoon, stay overnight in Philly, then go with them to the site on Tuesday, returning to Philly that afternoon/evening and returning home afterward that same day.

Peggy has made some contacts with regional staff about meeting with the public or Throop town reps. that may take place on Thursday 9/19 or Friday 9/20 and had sent an e-mail asking that multiple people from the Ombudsman's office (you, me, Peggy, ?) be invited to the meeting(s). I did not know about this intention when I made the original plans. Further, I have conflicts on Thursday and am off Friday, so I am

09/03/2002 01:32 PM

available basically Monday and Tuesday as I had originally planned.

I am not sure who, if anyone, wants to come on the site visit from your office. I would welcome the chance to discuss how you want to handle the visit and how I can best help. Please call me (566-2587) if you have time Tuesday.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..."

Mary Boyer

Mary Boyer To: Kenneth Kryszczun/R3/USEPA/US@EPA

08/20/2002 04:03 PM cc: Maureen Essenthier/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol battery site inspection and technical meeting with Throop

Borough

No problem. I will make it happen.

Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460

Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov

Kenneth Kryszczun

Kenneth Kryszczun

08/20/02 02:56 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA

Subject: Marjol battery site inspection and technical meeting with Throop

Borough

Peggy, please see message below. Could you invite both Steve and Gary to attend both the pre-briefing and site visit for Marjol on Sept. 16-17 and the meeting with the RA on the 19th or 20th? It would be good if they both could attend each event. Note I have not sent a copy of this message to Steve or Gary. Thanks.

Ken

---- Forwarded by Kenneth Kryszczun/R3/USEPA/US on 08/20/02 02:52 PM -----



Maureen Essenthier 08/20/02 02:09 PM

To: Kenneth Kryszczun/R3/USEPA/US@EPA

CC

Subject: Marjol battery site inspection and technical meeting with Throop

Borough

Ken,

Thank you for coordinating a meeting with the RA, Throop Borough and the Ombudsman's office. I will send out a letter inviting the Borough to a meeting with Don Welsh and the Ombudsman's principal

investigator, Gary Greening, on September 19th or 20th. I will let you know when we confirm a date and time with the Borough.

We are meeting with the OIG engineering advisor, Steve Schanamann, on September 16 to provide a site history and discuss technical issues. He will conduct a site inspection on September 17th.

If may help the Ombudsman's review if both Gary Greening and Steve Schanamann attend both the EPA briefing/site visit and the Throop meeting. That way they will here both sides of the technical issues that are in dispute.

Please invite both Gary and Steve to the EPA briefing/site visit on September 16th and 17th, and the Throop briefing on September 19th or 20th.

Thanks.

Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov

Re: Draft Report Ombudsman Review of the Marjol Battery Site, Throop, Pennsylvania

9

Paul Mckechnie to: Gary Greening 03/10/2004 06:49 AM

Cc: Stephen Schanamann

From: Paul Mckechnie/R1/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Stephen Schanamann/OIG/USEPA/US@EPA

Congratulations to you and Steve. It is a pleasure to work with professionals. Yeh, maybe we better wait for the final report to be issued before declaring the holiday.

Gary Greening



Gary Greening To: Paul Mckechnie/R1/USEPA/US

03/10/2004 06:28 AM cc: Stephen Schanamann/OIG/USEPA/US

Subject: Re: Draft Report Ombudsman Review of the Marjol Battery Site,

Throop, Pennsylvania

Tuesday, March 9, 2004!!! Hooray!!! I think I will declare that a personal holiday from this day forward!!! Oh, maybe I better wait until we issue the final

Thank YOU, Paul, for your patience and just being there to listen to me!

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549



Re: Marjol Meeting

Eileen McMahon to: Mary Boyer Cc: Gary Greening, Stephen Schanamann

From: Eileen McMahon/OIG/USEPA/US Mary Boyer/R4/USEPA/US@EPA, To:

Cc: Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Hey Steve, this grey background is a cool change.

I think we should get together briefly to talk about this because it may be quicker than group e-mails, but I have two observations I 'd like to discuss further; (b) (6), (b) (5)

Whenever we go

02/20/2003 02:58 PM

to the meeting, be it next week or two months from now, we are going to get verbally beat up, regardless whether it's right or fair, so why add fuel to the fire.

Let's talk more. I am here until 7:30 tonight, and I am out tomorrow. If need be I can call in for a telecon in the afternoon.

Stephen Schanamann



Stephen Schanamann 02/20/2003 02:20 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA

Subject: Re: Marjol Meeting

I completely agree with Gary. Also, I have conflicts for the periods 4-7 and 16-21 March.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening

To: Mary Boyer/R4/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Stephen 02/20/2003 02:00 PM

Schanamann/OIG/USEPA/US@EPA

Subject: Marjol Meeting

This just in . . . I forwarded a voicemail I just received to Peggy from Kuhns of the Office of Surface Mining. Bottom line from Kuhns, his boss told him to stay out of the squabble between the various parties. He said we could request his assistance from his headquarters, but he doesn't think that would get us anywhere either. He was sorry that he initially informed us he could help.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW

Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 01:53 PM -----



Throop Borough throopboro@adelphia.

net

02/20/2003 01:34 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: "Douglas R. Blazey" <drb@erse.com>

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

Please be advised that Throop Borough Council and the Mayor at their Special Monthly Work Session on February 13, 2003 discussed Gannett Fleming's request to meet with EPA prior to a public meeting. Throop Borough Officials do not feel that it is necessary to have Gannett Fleming meet with EPA prior to a public meeting. Members of Council and the Mayor said that anything that needs to be discussed can be done in public.

Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney Doug Blazey, and all legislative officials to attend.

Sincerely,

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials



Marjol Meeting Throop Borough to: Gary Greening Cc: "Douglas R. Blazey"

02/20/2003 01:41 PM

From: To:

Cc:

Throop Borough throopboro@adelphia.net Gary Greening/OIG/USEPA/US@EPA,
"Douglas R. Blazey" droopboro@adelphia.net Gary Greening/OIG/USEPA/US@EPA,

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

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USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

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| Sinc | erely, |
|--------|--------|
| O 1116 | , |

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials



Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

Maureen Essenthier to: Gary Greening

01/06/2003 03:42 PM

Eileen McMahon, Mary Boyer, Paul Gotthold, Stephen Schanamann,

Yvette Hamilton

From: Maureen Essenthier/R3/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Eileen McMahon/OIG/USEPA/US@EPA, Mary Boyer/R4/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Gary,

Thank you for the update. The PA BAMR folks are reviewing the new mining information sent by Doug Blazey to the Ombudsman's office. I will get an opinion on the Throop meeting from the Region 3 mangers.

Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening 01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

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(b) (6)

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Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549



Re: Marjol Battery

Gary Greening to: Stephen Schanamann

08/31/2005 09:14 AM

From:

Gary Greening/OIG/USEPA/US

To:

Stephen Schanamann/OIG/USEPA/US,

I wouldn't go out and spend it just yet!!!

Sent by:

PS - That was the first "thank you" I ever got from the AIG for OCPL even though I was one of the original members that help set that office up. Oh well . . .

Stephen Schanamann/OIG/USEPA/US



Stephen Schanamann/OIG/USEPA/US

08/31/2005 08:58 AM

To Gary Greening/OIG/USEPA/US@EPA

CC

Subject Re: Marjol Battery

Hi Gary,

It's always nice to be appreciated. Think the appreciation will extend to a cash award?

Steve

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening/OIG/USEPA/US



Greening/OIG/USEPA/US

08/31/2005 07:46 AM

To Eileen McMahon/OIG/USEPA/US@EPA

cc Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject Re: Marjol Battery



Thank you for the kind words. - Gary

Eileen McMahon/OIG/USEPA/US



Fileen McMahon/OIG/USEPA/US 08/30/2005 05:53 PM

To OIG Assistant Inspectors General, OIG Deputy Assistant Inspectors General and Special Assistants, OIG-OCPL

cc Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject Marjol Battery

I am pleased to share with you the outcome of one of the first cases the OIG ombudsman (now public liaison) undertook. The team that worked on this case (Paul Mckechnie, Gary Greening, Steve Schanamann) deserve a great deal of credit for many reasons; this was one of the first cases of this "new" type of work for the OIG, the team participated in several (very) public activities including lengthy meetings with Congressman Kanjorski and the staff of Senator Specter's office, and they stuck to their position (drill more test holes) in spite of strong disagreement by Region 3. We issued our final report in May 2004. Thanks to their efforts, and the impartial but thorough work of the OIG, the recommendations made in our ombudsman's report are now being implemented.

Great work.

----- Forwarded by Eileen McMahon/OIG/USEPA/US on 08/30/2005 05:28 PM -----



John Manibusan/OIG/USEPA/US 08/30/2005 05:07 PM

To Eileen McMahon/OIG/USEPA/US@EPA, Nancy Long/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

CC

Subject Drilling to resume at Throop site

The Times-Tribune

08/30/2005

Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

THROOP — State and federal officials will work with an outside engineering firm to study whether an old battery dump can be permanently sealed or must be excavated.

The Environmental Protection Agency and the Department of Environmental Protection agreed to drill nine additional holes near the site of the former Marjol Battery and Equipment plant after a review by the EPA's ombudsman. The agencies will work with Gannett Fleming, a Harrisburg engineering firm that Throop officials used in previous studies on the dump site.

Officials made the announcements at an emotional 90-minute meeting in the Borough Hall on Monday night.

Marjol recovered lead from old batteries and disposed of the remains at the site from 1963 until the early 1980s. Lead and other chemicals polluted nearby property, which prompted the debate on how to clean the area.

Throop residents once again said they wanted officials to remove all the contaminated soil from the 44-acre site at

600 Delaware St.

Removing materials could contaminate nearby neighborhoods again, said Maureen Essenthier, the Environmental Protection Agency's project manager. Residents had to fill their yards with new topsoil as the pollution was discovered in the 1980s. Federal officials covered the dump with dirt and a lining in the early 1990s.

"That (having lead open to the air) is how exposure happened in the past and that's what we want to prevent in the future," Ms. Essenthier said.

Environmental officials believe a cap of cement, a special plastic sheeting and dirt would secure the lead and end the long dispute. Residents fear seepage or a mine fire could let lead escape from such a cap.

An ombudsman for the Environmental Protection Agency reviewed the issue and last May offered two recommendations: design a cap strong enough to withstand any potential subsidence and further investigate the potential for a mine fire near the dump. The agencies agreed to the recommendations Monday.

Nine additional holes will be drilled sometime next year, said Paul J. Gotthold, the EPA's chief of Pennsylvania's operations, waste and chemical management division. The results should show the potential for mine fires. Gannett Fleming, which previously worked for Throop as the borough fought for removal of dirt from the site, will be involved in the upcoming study.

Contact the writer: bclark@timesshamrock.com

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Marjol Update . . .

Gary Greening to: Paul Mckechnie, Stephen Schanamann Sent by:

08/30/2005 07:44 AM

From: Gary Greening/OIG/USEPA/US

To: Paul Mckechnie/R1/USEPA/US, Stephen Schanamann/OIG/USEPA/US,

http://www.zwire.com/site/news.cfm?newsid=15120197&BRD=2185&PAG=461&dept_id=416046&rfi=6



08/30/2005

What's next Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

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Contact the writer: bclark@timesshamrock.comThe Environmental Protection Agency, the Pennsylvania Department of Environmental Protection and Gannett Fleming plan to drill at least nine boreholes to study whether a mine fire could occur at the former Marjol Battery and Equipment site. The drilling is expected to occur sometime early next year. Then another public hearing will be scheduled in Throop to discuss the results.

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Re: Draft Final Report - Marjol Battery Site - Throop, PA Gary Greening to: Paul Mckechnie



03/08/2004 03:17 PM

Sent by:

Gary Greening/OIG/USEPA/US From: To: Paul Mckechnie/R1/USEPA/US.

No problem, I will do that!

Cronmiller works for Gould. We met with him on our Marjol site visit back in September of 2002.

Paul Mckechnie

Paul Mckechnie To: Gary Greening/OIG/USEPA/US@EPA

03/08/2004 03:14 PM

Subject: Re: Draft Final Report - Marjol Battery Site - Throop, PA

Good afternoon Gary, I have no objections to you telling Mr. Cronmiller that the report is in draft and we hope to present it to Region 3 in the very near future, or something like that. Who is Mr. Cronmiller? Gary Greening



Gary Greening To: Paul Mckechnie/R1/USEPA/US@EPA

03/08/2004 02:58 PM

Subject: Draft Final Report - Marjol Battery Site - Throop, PA

Paul.

On December 10, 2003, I sent Cronmiller the following e-mail in response to his request for a status update. He is now asking for another update. Would you like me to respond?

----Original Message----

From: Greening.Gary@epamail.epa.gov [mailto:Greening.Gary@epamail.epa.gov]

Sent: Wednesday, December 10, 2003 1:41 PM

To: Cronmiller, James

Subject: Re: Ombudsman's Final Report - Marjol Battery Site

Mr. Cronmiller,

As you may recall, the EPA-OIG contracted with an Anthracite Mining expert, Dr. Heasley, back in June/July of this year. He performed his site visit and I think you even met him there.

Dr. Heasley provided our office with the first draft copy of his report on September 9th, 2003. I had read the report and had a couple of questions/clarifications for Dr. Heasley. However, two OIG technical/scientific staff that needed to review the report had been out of the office on other business for a couple of weeks. Once they had a chance to review Dr. Heasley's report, we sent back one set of consolidated comments/questions/clarifications to Dr. Heasley.

Dr. Heasley addressed our issues and provided us with his final report at the end of October. Again, I had to coordinate with the 2 other reviewers to ensure all our comments were addressed satisfactorily in his final submission.

At this time, we do not foresee any further investigation activities by our office. We plan to issue our final report to the Region which will incorporate Dr. Heasley's report. Of course we will first issue a draft report for comment by the Region and then issue a final report incorporating any comments the Region may have. I really had hoped and planned to issue that draft report by the middle of December, however, we had an OIG-wide mandatory week of training and then the holidays are coming up at the end of the month. We will get it out as soon as possible.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 03/08/2004 02:53 PM -----



"Cronmiller, James" <JCronmiller@gouldele ctronics.com> To: Gary Greening/OIG/USEPA/US@EPA

CC:

Subject: Draft Final Report - Marjol Battery Site - Throop, PA

03/08/2004 02:50 PM

Gary,

Four weeks ago, it was promised that the draft Final Report was to be released to the EPA, Region 3, in a couple of weeks. I have not heard if it has been released. Do you know the status? Also, what is your schedule for making the Final Report public?

Jim Cronmiller

Gould Electronics

34929 Curtis Blvd

Eastlake, OH 44095

Tel: 440-953-5044

Fax: 440-953-5008

Email: jcronmiller@gould.com



Marjol article in the Scranton Times, July 4, 2003

Paul Mckechnie, Eileen McMahon, Stephen

Schanamann, keith.heasley

Sent by:

Gary Greening/OIG/USEPA/US From:

Paul Mckechnie/R1/USEPA/US, Eileen McMahon/OIG/USEPA/US, Stephen To:

Schanamann/OIG/USEPA/US, keith.heasley@mail.wvu.edu,

http://www.zwire.com/site/news.cfm?newsid=9176810&BRD=2185&PAG=461&dept_id=416045&rfi=8

Kanjorski joins fight to clean up Marjol

By Jeremy R. Cooke TRIBUNE REGIONAL STAFF

07/04/2003

07/07/2003 08:02 AM

THROOP -- The congressman said the land looked so pleasant, he kept looking for a lake to go fishing in.

What he found instead -- standing at the mouth of a fenced-off expanse of grass and trees in Throop -- was a handful of passionate but angry citizens.

They told U.S. Rep. Paul Kanjorski, D-Nanticoke -- as they've told his predecessors -- how long they've been waiting for the landowner to clean up the site to their satisfaction. Buried beneath the field, they say, is a laundry list of potentially harmful contaminants, including lead.

The multinational corporation Gould Electronics Inc. is that landowner.

But people still call the site Marjol Battery, after a plant that crushed and later buried several hundred thousand cubic yards of battery casings there between 1963 and 1981.

During his visit Thursday afternoon, Mr. Kanjorski vowed to pursue updates from Gould and the federal Environmental Protection Agency on what's being done to remedy the situation.

Released via FOIA EPA-HQ-2014-006463

Page 102 of 299 (Set 1 of 3)

"Now we're going to start pressing them," he said.

The congressman hopes to bring together representatives from the various parties for a full tour and discussion of the site in August.

In part, he said, the latest delay might be blamed on staffing and structural changes at the EPA, where Christine Todd Whitman recently resigned from her post as administrator.

State Rep. Gaynor Cawley, D-Scranton, who joined Mr. Kanjorski at a discussion later in the Throop Borough Building, said residents had found helpful allies at the EPA's Office of the Ombudsman.

"They were our biggest friends," he said.

The agency's final Marjol remedy -- a cap over most of the site -- remains on hold, pending a report from the ombudsman. A small, temporary cap over a fraction of the land is currently in place.

But many argue that the watchdog office lost much of its independence after the EPA placed it under the supervision of the inspector general. Then-ombudsman Robert Martin resigned shortly afterward.

Lisa Ayers, Gould's spokeswoman in Throop, who was on hand for part of the congressman's visit, said the company is waiting for word from the EPA to execute the remedy.

"We're ready to implement the plan when a decision is reached," she said. She added that Gould conducts regular maintenance checks of the site.

But Susan Shortz, longtime advocate for a more extensive cleanup, said it's not too late for the EPA to reconsider a hybrid approach to stabilizing the contaminants buried in the soil.

Mr. Kanjorski agreed, saying that a combination of technologies to make the area safer for neighbors should be considered.

Ms. Shortz, who has followed the case since the 1980s, acknowledged that Mr. Kanjorski is the latest in a line of lawmakers who've tried to help the borough reach a satisfactory solution.

But Mr. Cawley told residents he was still optimistic about having the congressman on board.

"This is a light of hope that we can finally get this back on track," he said.



Re: Letter from Throop, dated 12/16/02 Gary Greening to: Stephen Schanamann

Sent by:

01/07/2003 02:16 PM

Gary Greening/OIG/USEPA/US From:

To: Stephen Schanamann/OIG/USEPA/US,

No, Maureen did not give me any indication of their initial thoughts.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Stephen Schanamann



Stephen Schanamann To: Gary Greening/OIG/USEPA/US@EPA

01/07/2003 02:14 PM

Subject: Re: Letter from Throop, dated 12/16/02

Gary,

I agree that the Region 3 approach as you outline it appears reasonable. I also think that the presence of ombudsman

staff at a meeting where the town representatives, the site owners, the State BAMR staff, and region are the players, with us only as observers, would be more productive.

Did Maureen talk at all about the region's reaction to the draft report?

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 01/07/2003 01:17 PM To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: Re: Letter from Throop, dated 12/16/02



I just got off the phone with Maureen Essenthier, EPA-Region 3, on how they are going to proceed in response to Throop's letter and my status update I provided to all on January 6, 2003.

R3 is going to write back to Throop and request that they provide the "new technical information" that was supposed to be presented at the November 8th meeting. They are going to tell Throop that we provided the information Doug Blazey sent to us back in October, but they want to make sure there was nothing

more. In their letter they will also request a meeting with the Throop technical representatives in Philadelphia to allow them to explain how this "new technical information" affects the proposed final remedy. Once R3 has digested and analyzed the information and responds to the "new technical information" they will then agree to an open public meeting. They (R3) do not believe a public meeting BEFORE receiving and analyzing the new technical information would be productive. R3 will cc: us on their response to Throop.

I told them I thought that was a reasonable approach. I am thinking that we, too, should respond in similar fashion. Your thoughts?

BTW - we STILL have never received the mailed letter from Throop. I don't know where our mail goes . . .

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 12/26/2002 03:29 PM

 $\label{to:mary Boyer/R4/USEPA/US} \mbox{To: Mary Boyer/R4/USEPA/US, Stephen Schanamann/OIG/USEPA/US}$

CC:

Subject: Letter from Throop, dated 12/16/02 . . .

I just got off the phone with Paul Gothold, Reg 3 - RCRA PA Operations. He asked if I had seen the December 16, 2002 letter from James Mellody, Jr., Throop Council President. I told him no, I had not (I don't know where our mail goes, but that's another story). He faxed me the copy they received. It reads:

"Dear Mr. Welsh (EPA Region 3 Regional Administrator) & Ms. Boyer:

The Throop Council and Mayor Stan Lukowski would like to schedule a briefing, in Throop, to present information and field questions concerning the Marjol Site. We invite EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., and all legislative officials to attend. The Council and Mayor will chair the meeting. Gannett Fleming, Inc. will make a presentation of the most recent technical findings concerning the Marjol Battery Site.

We would like EPA and Ms. Boyer to help us understand where things are and what is the process ahead. This will be an open meeting, to be held at the Throop Civic Center, preferably in the evening.

Please contact Elaine Morrell, Administrator or Christina Sullivan, assistant Secretary with some dates and who will attend so we can arrange this meeting. If you have any questions, feel free to contact Mayor Stanley Lukowski (570)489-8311.

Sincerely yours, James Mellody, Jr. Council President"

US Senators Specter and Santorum, US Representative Kanjorski, PA State Senator Mellow, PA State Representative Cawley, PADEP, Gould, and Gannett Fleming were all cc:'d on this letter.

OK guys, I was ready to close this out pending comments from R3 and PADEP on the "new" information

we received from Doug Blazey back in October. I guess it was lucky Eileen didn't get Nikki to sign out that letter we prepared to Specter back on December 17?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US, Paul Gotthold/R3/USEPA/US

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January

6, 2003

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(b) (6)

about my draft findings and conclusions. However, I will briefly

outline them below:

Prior to receiving the Throop letter dated December 16, 2002, we were in the process of drafting a letter to inform the concerned parties that we intended to close out the Ombudsman's Marjol Battery case in 30 days.

In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

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Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504

FAX: (202) 566-2549



Anthracite Work Request - DRAFT . . .

Gary Greening to: Stephen Schanamann, Mary Boyer Sent by:

03/10/2003 11:06 AM

OCH by

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US, Mary Boyer/R4/USEPA/US,

your comments would be appreciated before I forward to Jean Parry-Hill. Again, i am trying to be as specific as possible in what we are asking this person to do and the product we want from their review.



work request anthracite.doc

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6,

Gary Greening to: Maureen Essenthier, Yvette Hamilton, Paul Gotthold

01/06/2003 12:47 PM

Sent by:

Cc: Mary Boyer, Stephen Schanamann, Eileen McMahon

Bcc: Mrcoffey123

From: Gary Greening/OIG/USEPA/US

Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US, Paul To:

Gotthold/R3/USEPA/US,

Cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US@EPA

Bcc: (b) (6) @aol.com

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(b) (6)

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In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

We did finally receive the new information in late October and it appeared to merit further consideration. The information was a draft report on mine subsidence prepared by Gould's contractor, dated December 22, 1992. The draft report identified a geological feature on the Marjol property that could have potentially affected the proposed remedy. This geological feature was omitted, without comment or explanation, from the final report that was officially submitted to and used by EPA Region 3 in developing the proposed Marjol final remedy. We have provided EPA Region 3 (Maureen Essenthier) and the Pennsylvania Department of Environmental Protection (Robert K. Lewis) with copies of the draft report on October 29, 2002 for their consideration and informal comments. As of this date, we have not received comments from either Region 3 or PADEP.

We did not initially want to drop the case after our experience in Throop. Rather, on October 10, 2002, we asked Senators Specter's and Santorum's staffs to consider sponsoring meetings with concerned citizens and groups. Additionally, we sent letters to citizens in Throop on November 21, 2002 asking if they had additional information. To date, we have not heard from the Senators' offices nor the citizens themselves and just recently received the December 16, 2002, letter from the Throop Borough officials. Peggy has informed me that she would be willing to attend a public meeting, preferably between the hours of 8:30 a.m. and 5:00 p.m. <u>if</u> Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



From Today's Scranton Times: Ex-official: Marjol site dangerous . . .

Gary Greening to: Maureen Essenthier, Paul Gotthold, Kenneth Kryszczun

10/08/2002 08:47 AM

Sent by:

Bcc: M.Jackie.Greening

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Paul Gotthold/R3/USEPA/US, Kenneth

Kryszczun/R3/USEPA/US,

Bcc: M.Jackie.Greening@irs.gov

Ex-official: Marjol site dangerous

By Stephen Daily TRIBUNE REGIONAL STAFF

10/08/2002

THROOP -- A former Environmental Protection Agency ombudsman claims the decision to cap the Marjol Battery site was rushed by possible conflicts of interest and poses a real danger to Throop residents.

Robert Martin, who resigned in April, said the borough "was robbed of the ombudsman's process" by not allowing him to complete his investigation of the Marjol Battery site.

Meanwhile, Mr. Martin's preliminary report noted the geotextile cover now covering thousands of battery casings was only intended to be effective for five years. The cover, which looks like a black tarp, was put on in 1990.

"I wanted the environmental response team to go in and look at it to evaluate the integrity of the material to determine whether it should be replaced," Mr. Martin said.

Susan Shortz, Throop resident and member of the Marjol Citizens Review Committee, said the tarp is clearly deteriorating and is exposing hazardous materials.

"Every year, more cracks and holes are in it and they keep covering it. There are tons of patch marks," Ms. Shortz said.

She added that most of the battery casings are not under the cover and sit under soil and grass only.

During a phone interview from Tallahassee, Fla., Mr. Martin said he only needed six more months to complete his probe, but the EPA merged his position with another and confiscated his files.

"The truth would have come out and the community of Throop would have felt like they had a voice," Mr. Martin said. "Unlike other communities in my nine years, Throop was robbed of the ombudsman's process."

Although Mr. Martin would not comment on whether a total cleanup of the site would be the most effective solution until he completed a full investigation, he said in his preliminary report, completed last fall, that capping the site is not effective.

"The preliminary report outlines many areas of deficiency with the cap, and with the size of the site and possible migration of waste, issues raised have not been resolved," he said.

Mr. Martin's report also discussed the possible effects that carcinogens buried on the site would have on local residents.

About 5,500 people live within a mile of Marjol and 25 homes stand within 500 feet of its boundaries. Gould Electronics Inc. owns the 44-acre site in which over 500,000 cubic yards of battery casings are stockpiled and buried.

Mr. Martin, who served as the EPA ombudsman for nine years before resigning, criticized the EPA and its administrator, Christine Whitman, for deciding to leave most of the contamination buried under an impermeable cap before a full ombudsman investigation was completed.

"We had barely gotten started and an understanding had been reached between the EPA and Gould," Mr. Martin said. "The nearly unanimous reaction from the Pennsylvania delegation and the government is that (decision) was too soon."

Mr. Martin, often critical of EPA management, resigned after his position was merged with the office of the inspector general, saying the move would limit his independence -- the cornerstone of the ombudsman position.

Hugh Kaufman, Mr. Martin's chief investigator who often challenged the decisions of EPA management, said merging the ombudsman position with the inspector general's office took away 90 percent of the ombudsman's position.

"The Inspector General's Act prohibits the inspector general's office from doing programmatic activities. Ninety percent of the ombudsman's activities are programmatic activities," Mr. Kaufman said.

"Programmatic activities" include public meetings and opening all files open to

the public.

Mary Boyer, who is the acting EPA ombudsman under the inspector general's office, is conducting a meeting in Throop on Wednesday. The meeting is not open to the public.

Mr. Kaufman was removed from his ombudsman-related duties about the same time the merger took place. But the U.S. Department of Labor found that Mr. Kaufman suffered a continued pattern of discrimination and there was no evidence of a valid reason for his removal.

The EPA appealed the decision and the case goes to trial Nov. 18. If the court rules in favor of Mr. Kaufman, he should become the new ombudsman, independent of the office of the inspector general.

"The Marjol Battery site and World Trade Center cases will be at the top of my priority list," Mr. Kaufman said.

Mr. Martin said Mrs. Whitman was trying to silence him because he was investigating possible conflicts of interest between agency settlements and business interests of her husband, John Whitman, who owns between \$100,001 and \$250,000 worth of Citigroup stock, which has financial ties to GA-TEK Inc., Gould Electronics' parent company. Citigroup also owns the Shattuck Superfund site in Denver, and Travelers Insurance, which has liability in the World Trade Center case.

Meanwhile, Mr. Martin was recently appointed as president and chief executive officer of the Legal Environmental Assistance Foundation, a nonprofit environmental firm that works to protect people's health from pollution and force accountability for the consequences of pollution.

"I want to bring to this position what I did to the ombudsman's position. I want to bring everybody together -- the EPA, companies and community -- for the most effective solutions. It is the communities that usually come up short," Mr. Martin said.

Currently, LEAF represents communities mainly in Florida, Georgia and Alabama, but Mr. Martin wants to expand the representation and work with other sites.

Mr. Kaufman said if he becomes ombudsman, he would like to continue to work with Mr. Martin to create the best remedies for communities of wasteland sites.



Scranton Times - October 10, 2002 . . .

Gary Greening

Maureen Essenthier, Paul Gotthold, Kenneth

10/10/2002 08:06 AM

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Paul Gotthold/R3/USEPA/US, Kenneth

Kryszczun/R3/USEPA/US,

Maureen - at this time, I am not going to travel to Philly next week as had been previously planned. We will be discussing our next steps and we will let you know what they are as soon as possible. I am planning to attend the November 8th meeting. I would highly recommend (if you haven't done so already) a PA BAMR expert there and start making contingency plans for Kaufman to show up.

Scranton Times Tribune

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EPA official bolts from Marjol meeting

By Stephen Daily TRIBUNE REGIONAL STAFF

10/10/2002

THROOP -- The acting U.S. Environmental Protection Agency ombudsman refused to discuss the cleanup of the Marjol Battery site Wednesday after she learned the meeting was open to the public.

Mary Boyer, a 13-year veteran of EPA's office of the inspector general and a former auditor at the U.S. Department of Defense, stormed out of the Throop municipal building after observing residents and members of the news media in attendance.

Borough officials, a former EPA investigator, a few Throop residents and Mayor

Stan Lukowski blasted the EPA representative's reaction.

"You have a lot of smart people in here and all these people have to live with this hazardous site every day," council President Jim Barnick said as Ms. Boyer was heading for the door.

At the meeting, which lasted about a minute, Ms. Boyer said only that she had respectfully requested a closed meeting. But Mr. Lukowski said he never agreed to a closed meeting and previously went on the record saying he would never plan a meeting concerning Marjol that would not involve the public.

About 5,500 people live within a mile of Marjol and 25 homes stand within 500 feet of its boundaries. Gould Electronics Inc. owns the 44-acre site in which over 500,000 cubic yards of battery casings are stockpiled and buried.

Ms. Boyer would not talk to a reporter from The Tribune after the meeting. In an interview with WYOU News 22, she said she prefers smaller meetings.

"They could request (an open meeting). I don't particularly like having open meetings. I don't find them very helpful to tell the truth as far as getting additional information, but I'm not against having one if they request one ... but I prefer smaller meetings where we can have a dialogue," Ms. Boyer told WYOU.

Hugh Kaufman, former chief investigator for Robert Martin, the EPA ombudsman for nine years before resigning in April, traveled in from Washington, D.C., to attend the meeting.

Mr. Kaufman lost his job shortly before administrator Christine Whitman merged the ombudsman position with the office of the inspector general. He criticized Ms. Boyer for walking out and said it proves that the ombudsman's position cannot work under the confines of the inspector general's office.

"This exemplifies the bankruptcy the EPA is in under Christine Whitman. When the ombudsman talks are being done behind closed doors, deals are being made and you don't get the trust of the people and the public officials," Mr. Kaufman said. "The citizens of this town are at risk of being poisoned."

He added: "If Ms. Boyer prefers closed meetings, she'd be better off in the former Soviet Union, but here it is a democracy. People whose health is at risk from toxic waste want to see and hear discussions that are going on -- not behind closed doors."

From 1963 to 1980, the Marjol site was used for recycling lead/acid batteries. During Marjol's active life, an estimated 100 million batteries -- about 25,000 per day -- were crushed or broken to separate the hard plastic casing from the lead plates.

In 2000, the EPA issued a cleanup order that would remove only a portion of the hazardous waste, while the rest would remain under an impermeable cap. The borough continues to fight for a complete removal of the lead and battery casings.

Earlier this week, Mr. Martin said the decision to cap the Marjol Battery site was rushed by possible conflicts of interest and poses a danger to the residents of Throop. He added that the borough "was robbed of the ombudsman's process" by not allowing him to complete his investigation.

Susan Shortz, Throop resident and member of the Citizens Review Committee, came prepared to fill in Ms. Boyer and her aides on information she has gathered over the past 14 years. Ms. Shortz has fought for removal of lead contamination from the site.

"At the very least, they could have introduced themselves and told us where they are at with our case," Ms. Shortz said. "If this is an example of the ombudsman under the inspector general's office, it's not going to work. Her job is to hear all the sides, but apparently she doesn't want to hear our side."

Mr. Barnick said the borough now plans to put together a group and petition in front of the White House.

"They're pushing for war in other countries and they won't even fight in our back yard," he said. "If we had the money we wasted on Marjol over the past 15 years, we'd have the streets paved in gold."

©Scranton Times Tribune 2002

Reader Opinions

Be the first person to voice your opinion on this story!

Back to



Re: specter VERSION #2 . . . Gary Greening to: Eileen McMahon

Sent by:

Cc: Mary Boyer

From: Gary Greening/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,
Cc: Mary Boyer/R4/USEPA/US@EPA

Eileen,



12.17.02 Gary's Specter 30 day letter v2.

We would like your help in getting this signed by Nikki. Let me know what you need me to do.

Thanks - Gary

----- Forwarded by Gary Greening/OIG/USEPA/US on 12/17/2002 03:14 PM -----

Mary Boyer To: Gary Greening/OIG/USEPA/US@EPA

12/17/2002 02:51 PM cc:

Subject: Re: specter VERSION #2

version 2 edited



12.17.02 Gary's Specter 30 day letter v2.

Gary J and Nikki like to keep these letters real short because of the congressional attention span. If you or they can get it to one page, be my guest.

Gary Greening



Gary Greening To: Mary Boyer/R4/USEPA/US@EPA

12/17/02 01:11 PM cc:

Subject: Re: specter VERSION #2 . . . |

I've edited and included missing information (hopefully). Let me know if you need anything else



Specter 30 day letter v2.doc

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Released via FOIA EPA-HQ-2014-006463

Page 119 of 299 (Set 1 of 3)

12/17/2002 03:18 PM

Phone: (202) 566-1504 FAX: (202) 566-2549 E-Mail: greening.gary@epa.gov

Final Ombudsman Report - Marjol Battery Site, Throop, Pennsylvania

Paul Mckechnie to: Donald Welsh

05/18/2004 01:55 PM

Cc: James Burke, Paul Gotthold, Maureen Essenthier, Yvette Hamilton, Gregg Crystall, Edward Hopkins, Gary Greening, Stephen Schanamann

From: Paul Mckechnie/R1/USEPA/US
To: Donald Welsh/R3/USEPA/US@EPA,

Cc: James Burke/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA, Gregg

Crystall/R3/USEPA/US@EPA, Edward Hopkins/R3/USEPA/US@EPA, Gary

Please find attached, the final report on the Ombudsman Review of the Marjol Battery Site, in Throop, Pennsylvania, prepared by the EPA Office of the Inspector General. The report will be posted on the OIG's web site for public review within the next day or two. Also, the Pennsylvania delegation will be advised that the final report was issued today.

Should you have any questions, you may contact me at (617)918-1471 or Gary Greening, Assignment Manager at (202)566-1504. For questions regarding Congressional or media interest, please contact John Manibusan at (202)566-2584.

[attachment "marjol final-5-14-04.version 6.wpd" deleted by Gary Greening/OIG/USEPA/US]



Re: Fw: Marjol Update . . . 🗎 Gary Greening to: Paul Mckechnie

09/28/2005 09:31 AM

Gary Greening/OIG/USEPA/US From: Paul Mckechnie/R1/USEPA/US, To:

Just got off the phone with him. I think I was able to answer his questions satisfactorily. Unfortunately, (or fortunately) we were not at the meeting so I was not able to gage the citizens reaction to the proposed drilling. I told him that from reading the article, there is a faction that will never be happy unless it is totally removed, while the more reasonable citizens will be happy to know one way or the other whether the drilling proves the waste is or is not susceptible to mine fires.

BTW - thanks for the article from the Smithsonian magazine on Centralia. I remember when that was playing out, when they decided the towns people must move. Centralia is about 70 miles south of Scranton, so it was local news.

Paul Mckechnie/R1/USEPA/US



Paul Mckechnie/R1/USEPA/US 09/28/2005 08:54 AM

To Gary Greening/OIG/USEPA/US@EPA

Subject Fw: Marjol Update . . .

Good morning Gary,

I sent the newspaper article to Gary Sternberg regarding the Marjol site and our review. Gary has a couple of questions. I don't know what they are, but I was wondering if you could give him a call because you probably can answer them better than I. If you need me to call him, let me know.

Thanks Gary.

Paul D. McKechnie US EPA, Office of Inspector General Director Public Liaison/Acting Ombudsman Office of Congressional and Public Liaison **Boston Suboffice** 1 Congress Street, Suite 1100 Boston, Massachusetts 02114-2023 Direct: (617)918-1471

Fax: (617)918-1463 Cell: (b) (6)

mckechnie.paul@epa.gov

OCPL...Linking OIG to the World!

---- Forwarded by Paul Mckechnie/R1/USEPA/US on 09/28/2005 08:52 AM -----

Sternberg/R3/USEPA/US

To Paul Mckechnie/R1/USEPA/US@EPA

09/28/2005 08:43 AM

Subject Re: Fw: Marjol Update . . .

Paul:

This pretty much gives me what I need. I just have one or two questions -- can you or Gary Greening give me a call this morning? Thanks.

Gary

Paul Mckechnie/R1/USEPA/US



Paul Mckechnie/R1/USEPA/US 09/28/2005 08:28 AM

To Gary Sternberg/R3/USEPA/US@EPA

CC

Subject Fw: Marjol Update . . .

Gary, Seth reminded me today about the Marjol Battery Site matter. I believe you will do a finer job than I in putting together what you want for the semi-annual report. I am therefore sending you the article that I received from Gary Greening. If you need further information, let me know and I will see what I can do.

I hope I am not making your life too demanding.

Thanks Gary.

Paul D. McKechnie US EPA, Office of Inspector General Director Public Liaison/Acting Ombudsman Office of Congressional and Public Liaison Boston Suboffice 1 Congress Street, Suite 1100 Boston, Massachusetts 02114-2023 Direct: (617)918-1471

Fax: (617)918-1463 Cell: (b) (6)

mckechnie.paul@epa.gov

OCPL...Linking OIG to the World!

----- Forwarded by Paul Mckechnie/R1/USEPA/US on 09/28/2005 08:25 AM -----



Paul Mckechnie/R1/USEPA/US

08/30/2005 12:01 PM

To Eileen McMahon/OIG/USEPA/US

CC

Subject Fw: Marjol Update . . .

It looks like we did make an impact.

Paul D. McKechnie US EPA, Office of Inspector General Director Public Liaison/Acting Ombudsman Office of Congressional and Public Liaison Boston Suboffice 1 Congress Street, Suite 1100 Boston, Massachusetts 02114-2023 Direct: (617)918-1471

Fax: (617)918-1463 Cell: (b) (6)

mckechnie.paul@epa.gov

OCPL...Linking OIG to the World!

----- Forwarded by Paul Mckechnie/R1/USEPA/US on 08/30/2005 12:01 PM -----



Gary Greening/OIG/USEPA/US 08/30/2005 07:44 AM

To Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC

Subject Marjol Update . . .

http://www.zwire.com/site/news.cfm?newsid=15120197&BRD=2185&PAG=461&dept_id=416046&rfi=6



08/30/2005

What's next Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

THROOP — State and federal officials will work with an outside engineering firm to study whether an old battery dump can be permanently sealed or must be excavated.

The Environmental Protection Agency and the Department of Environmental Protection agreed to drill nine additional holes near the site of the former Marjol Battery and Equipment plant after a review by the EPA's ombudsman. The agencies will work with Gannett Fleming, a Harrisburg engineering firm that Throop officials used in previous studies on the dump site.

Officials made the announcements at an emotional 90-minute meeting in the Borough Hall on Monday night.

Marjol recovered lead from old batteries and disposed of the remains at the site from 1963 until the early 1980s. Lead and other chemicals polluted nearby property, which prompted the debate on how to clean the area.

Throop residents once again said they wanted officials to remove all the contaminated soil from the 44-acre site at 600 Delaware St.

Removing materials could contaminate nearby neighborhoods again, said Maureen Essenthier, the Environmental Protection Agency's project manager. Residents had to fill their yards with new topsoil as the pollution was discovered in the 1980s. Federal officials covered the dump with dirt and a lining in the early 1990s.

"That (having lead open to the air) is how exposure happened in the past and that's what we want to prevent in the future," Ms. Essenthier said.

Environmental officials believe a cap of cement, a special plastic sheeting and dirt would secure the lead and end the long dispute. Residents fear seepage or a mine fire could let lead escape from such a cap.

An ombudsman for the Environmental Protection Agency reviewed the issue and last May offered two recommendations: design a cap strong enough to withstand any potential subsidence and further investigate the potential for a mine fire near the dump. The agencies agreed to the recommendations Monday.

Nine additional holes will be drilled sometime next year, said Paul J. Gotthold, the EPA's chief of Pennsylvania's operations, waste and chemical management division. The results should show the potential for mine fires. Gannett Fleming, which previously worked for Throop as the borough fought for removal of dirt from the site, will be involved in the upcoming study.

Contact the writer: bclark@timesshamrock.comThe Environmental Protection Agency, the Pennsylvania Department of Environmental Protection and Gannett Fleming plan to drill at least nine boreholes to study whether a mine fire could occur at the former Marjol Battery and Equipment site. The drilling is expected to occur sometime early next year. Then another public hearing will be scheduled in Throop to discuss the results.

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Re: Draft Report - Marjol Battery Site - Throop, PA Gary Greening to: JCronmiller

03/10/2004 06:35 AM

Gary Greening/OIG/USEPA/US From: To: JCronmiller@gouldelectronics.com,

Mr. Cronmiller,

The OIG's DRAFT report was issued to Region 3 on Tuesday, March 9, 2004. Region 3 has 30 days, or until April 9th to respond to our findings and recommendations. After we receive Region 3's comments and incorporate them into our report as appropriate, we then issue a final report which is made available tot eh public.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

-----Gary Greening/OIG/USEPA/US wrote: -----

To: "Cronmiller, James" < JCronmiller@gouldelectronics.com>

From: Gary Greening/OIG/USEPA/US

Date: 03/09/2004 07:33AM

cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Re: Draft Final Report - Marjol Battery Site - Throop, PA

Mr. Cronmiller,

Sorry for the delay. The draft report is with the acting Ombudsman, Paul McKechnie, for signature. Once he signs the report and distributes it to Region 3, Region 3 then has 30 days to review and respond to the draft report's findings and recommendations. Once we receive Region 3's comments and incorporate any we believe are appropriate, we then issue a final report which is made available to the public.

I will let you know when we have issued the draft report to Region 3.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

"Cronmiller, James" <JCronmiller@gouldelectronics.com>

\n

\n

"Cronmiller, James" To: Gary

CC.

03/08/2004 02:50 PM Subject: Draft Final Report -

Marjol Battery Site - Throop, PA

Gary,

Four weeks ago, it was promised that the draft Final Report was to be released to the EPA, Region 3, in a couple of weeks. I have not heard if it has been released. Do you know the status? Also, what is your schedule for making the Final Report public?

Jim Cronmiller

Gould Electronics

34929 Curtis Blvd

Eastlake, OH 44095

Tel: 440-953-5044

Fax: 440-953-5008

Email: jcronmiller@gould.com



Re: Status of Marjol Investigation

Yvette Hamilton to: Gary Greening

07/07/2003 11:04 AM

Diane Ajl, Eileen McMahon, Maureen Essenthier, Neil Wise, Paul Cc: Mckechnie, Rick Linthurst, Stephen Schanamann, Tom Voltaggio,

William Early

From: Yvette Hamilton/R3/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Diane Ajl/R3/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Paul

Mckechnie/R1/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA, Stephen

Good morning Gary,

I was not aware that Representative Kanjorski held a town meeting with Throop regarding Marjol. To my knowledge Mr. Kanjorski has not requested any information from the Region. This is the first time I am hearing of this so I am not aware of any action that EPA is contemplating in response to this meeting. I will investigate a little and get back to you.

Thank you for the update.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

Gary Greening



Gary Greening To: Yvette Hamilton/R3/USEPA/US@EPA

07/06/2003 08:23 PM cc: Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA,

Rick Linthurst/RTP/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US@EPA_

Subject: Re: Status of Marjol Investigation

Yvette.

As you may know, I was out of the office all last week. But to bring you up to date, this is what I know as of Sunday evening, July 6, 2003. The OIG's contracted Anthracite Mining Expert (Dr. Keith Heasley) has started to review the technical reports and will be putting in a request to us for more information to expedite his review. I do know he plans to perform a site visit, but I do not have a date.

While I was out on personal travel last week, I was in the Scranton, PA area on July 3rd. At the top of the news on WYOU Channel 22 was a news story about US Representative Kanjorski holding a "town meeting" with the citizens of Throop on the Marjol Battery Site. Do you know what came of that meeting? Did Rep. Kanjorski ask the EPA for any data? Please let me know if his involvement has prompted any action on the part of Region 3. Also, I do know that Susan Shortz, a member of the original CRC, received the most votes in the primary election for Throop Borough Council. The general election will be held in November.

Finally, I leave for Denver on another Ombudsman case on Tuesday, July 8 and will not be in the office until Monday, July 14.

Thank you -

Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA

Subject: Status of Marjol Investigation

Good morning Gary,

Would you please provide us the status of the Marjol investigation? Has there been any new developments that we should be aware of? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636

Fax: (215) 814-2603



Re: Marjol Meeting



Eileen McMahon to: Mary Boyer Cc: Gary Greening, Stephen Schanamann

02/20/2003 04:31 PM

Eileen McMahon/OIG/USEPA/US From: Mary Boyer/R4/USEPA/US@EPA, To:

Cc: Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Please cc me when you respond to the Borough's letter. Also, be sure to include the dates you will be available to meet with them.

thanks. Eileen Mary Boyer

> **Mary Boyer** To: Eileen McMahon/OIG/USEPA/US@EPA

cc: Gary Greening/OIG/USEPA/US@EPA, Stephen 02/20/2003 03:51 PM

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol Meeting



I don't think there is anything to discuss in a meeting between the four of us. But if you want one, let me know when and where.

Peggy & Gary

Eileen McMahon



Eileen McMahon 02/20/03 02:58 PM To: Mary Boyer/R4/USEPA/US@EPA

cc: Gary Greening/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol Meeting

Hey Steve, this grey background is a cool change.

I think we should get together briefly to talk about this because it may be quicker than group e-mails, but I have two observations I 'd like to discuss further; (b) (6), (b) (5)

Let's talk more. I am here until 7:30 tonight, and I am out tomorrow. If need be I can call in for a telecon in the afternoon.

Stephen Schanamann



Stephen Schanamann

02/20/2003 02:20 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA

Subject: Re: Marjol Meeting

I completely agree with Gary. Also, I have conflicts for the periods 4-7 and 16-21 March.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening

To: Mary Boyer/R4/USEPA/US@EPA

02/20/2003 02:00 PM

cc: Eileen McMahon/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Marjol Meeting

This just in . . . I forwarded a voicemail I just received to Peggy from Kuhns of the Office of Surface Mining. Bottom line from Kuhns, his boss told him to stay out of the squabble between the various parties. He said we could request his assistance from his headquarters, but he doesn't think that would get us anywhere either. He was sorry that he initially informed us he could help.

(b) (5)

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

---- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 01:53 PM -----



Throop Borough throopboro@adelphia. net>

02/20/2003 01:34 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: "Douglas R. Blazey" <drb@erse.com>

Subject: Marjol Meeting

THROOP BOROUGH

MUNICIPAL BUILDING

436 SANDERSON STREET

THROOP, PA 18512-1224

PHONE (570) 489-8311

FAX (570) 383-71222

February 20, 2003

VIA FAX/EMAIL

Donald S. Welsh, Regional Administrator

USEPA Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Mary M. Boyer, Acting National Ombudsman

USEPA - Office of Inspector General

1200 Pennsylvania Ave., NW

Room 2133F - Mailcode 2441 T

Washington, DC 20460

Re: Marjol Battery Site

Dear Mr. Welsh & Ms. Boyer:

Please be advised that Throop Borough Council and the Mayor at their Special Monthly Work Session on February 13, 2003 discussed Gannett Fleming's request to meet with EPA prior to a public meeting. Throop Borough Officials do not feel that it is necessary to have Gannett Fleming meet with EPA prior to a public meeting. Members of Council and the Mayor said that anything that needs to be discussed can be done in public.

Please advise us of some dates you would be available to meet in Throop. We would like EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., Attorney Doug Blazey, and all legislative officials to attend.

Sincerely,

Elaine Morrell

Administrator/Secretary
cc: Maureen Essenthier
Gannett Fleming
Doug Blazey
Gary Greening
Borough Officials

Re: Marjol Meeting

Mary Boyer to: Eileen McMahon Cc: Gary Greening, Stephen Schanamann 02/20/2003 03:51 PM

Mary Boyer/R4/USEPA/US From:

Eileen McMahon/OIG/USEPA/US@EPA, To:

Cc: Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

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Eileen McMahon 02/20/03 02:58 PM To: Mary Boyer/R4/USEPA/US@EPA

cc: Gary Greening/OIG/USEPA/US@EPA, Stephen

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Stephen Schanamann



Stephen Schanamann

To: Gary Greening/OIG/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Mary 02/20/2003 02:20 PM

Boyer/R4/USEPA/US@EPA

Subject: Re: Marjol Meeting

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Gary Greening

02/20/2003 02:00 PM

To: Mary Boyer/R4/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

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(b) (5)

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/20/2003 01:53 PM -----



Throop Borough throopboro@adelphia.

net>

02/20/2003 01:34 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: "Douglas R. Blazey" < drb@erse.com>

Subject: Marjol Meeting

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Sincerely,

Elaine Morrell

Administrator/Secretary

cc: Maureen Essenthier

Gannett Fleming

Doug Blazey

Gary Greening

Borough Officials

Re: specter VERSION #2 . . .

Mary Boyer to: Gary Greening 12/17/2002 02:51 PM

From: Mary Boyer/R4/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

version 2 edited



12.17.02 Gary's Specter 30 day letter v2.

Gary J and Nikki like to keep these letters real short because of the congressional attention span. If you or they can get it to one page, be my guest.

Gary Greening



Gary Greening To: Mary Boyer/R4/USEPA/US@EPA

12/17/02 01:11 PM

Subject: Re: specter VERSION #2 . . . [i]

I've edited and included missing information (hopefully). Let me know if you need anything else



Specter 30 day letter v2.doc

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Re: Marjol Battery Site visit, Correction

Mary Boyer to: Stephen Schanamann, Kenneth Kryszczun

Cc: Gary Greening, Pete Eagen

From: Mary Boyer/R4/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US@EPA, Kenneth Kryszczun/R3/USEPA/US@EPA,

Cc: Gary Greening/OIG/USEPA/US@EPA, Pete Eagen/OIG/USEPA/US@EPA

I don't think Gary Johnson is going to be happy that the site visit is delayed so other people can attend with you. I cannot be in PA during that week. And if you cannot go until that week, there is no point in me going the next week for the RA's meeting since I won't have anything to talk about. I assumed you would be going a lot earlier and I would have something to contribute to the RA's meeting.

Mary M. Boyer Acting Ombudsman U.S. EPA-OIG 1200 Pennsylvania Ave. NW Room 2133D (Mail Code 2441T) Washington DC 20460 Phone: (202) 566-1507 FAX: (202) 566-2549

EMAIL: boyer.mary@epa.gov Stephen Schanamann



Stephen Schanamann 08/16/02 02:05 PM To: Mary Boyer/R4/USEPA/US@EPA cc: Pete Eagen/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

Subject: Marjol Battery Site visit, Correction

Peggy,

Since my earlier e-mail today, I have received another call from Maureen Essenthier about Marjol. The site visit will be on Tuesday 9/17, with a meeting in Philadelphia at the Regional office the day before. Ms. Essenthier told me that the Gould company, the PRP, intends to have a technical representative and a public relations person present during the site visit. Additionally, since the site is being jointly managed by the PA Department of Environmental Protection (PADEP) this agency will have its site manager present during the site visit.

Ms. Essenthier further suggested that the citizens of the Borough of Throop might become restive if the site visit were held without their knowledge, but that she would defer to your office for any notifications. She also mentioned that the RA's office is trying to schedule a meeting with the citizens of Throop Borough for sometime during the week of September 23, and thought you might wish to attend. If you do, please contact her for coordination.

If you wish to include contact with Throop citizens in with the site visit, you may wish to send along someone experienced in PR activities. Eileen McMahon is well versed in dealing with congressional groups as well as with the public.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..."

08/19/2002 01:19 PM



Marjol Battery Site visit, Correction Stephen Schanamann to: Mary Boyer Cc: Pete Eagen, Gary Greening

08/16/2002 02:05 PM

From: Stephen Schanamann/OIG/USEPA/US
To: Mary Boyer/R4/USEPA/US@EPA,

Cc: Pete Eagen/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

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Re: Marjol Battery

Gary Greening to: Eileen McMahon

Sent by:

Cc: Paul Mckechnie, Stephen Schanamann

From: Gary Greening/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Thank you for the kind words. - Gary

Eileen McMahon/OIG/USEPA/US



Eileen McMahon/OIG/USEPA/US 08/30/2005 05:53 PM

To OIG Assistant Inspectors General, OIG Deputy Assistant Inspectors General and Special Assistants, OIG-OCPL

08/31/2005 07:46 AM

cc Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject Marjol Battery

I am pleased to share with you the outcome of one of the first cases the OIG ombudsman (now public liaison) undertook. The team that worked on this case (Paul Mckechnie, Gary Greening, Steve Schanamann) deserve a great deal of credit for many reasons; this was one of the first cases of this "new" type of work for the OIG, the team participated in several (very) public activities including lengthy meetings with Congressman Kanjorski and the staff of Senator Specter's office, and they stuck to their position (drill more test holes) in spite of strong disagreement by Region 3. We issued our final report in May 2004. Thanks to their efforts, and the impartial but thorough work of the OIG, the recommendations made in our ombudsman's report are now being implemented.

Great work.

---- Forwarded by Eileen McMahon/OIG/USEPA/US on 08/30/2005 05:28 PM -----



John Manibusan/OIG/USEPA/US 08/30/2005 05:07 PM

To Eileen McMahon/OIG/USEPA/US@EPA, Nancy Long/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

CC

Subject Drilling to resume at Throop site

The Times-Tribune

08/30/2005

Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

THROOP — State and federal officials will work with an outside engineering firm to study whether an old battery dump can be permanently sealed or must be excavated.

The Environmental Protection Agency and the Department of Environmental Protection agreed to drill nine additional holes near the site of the former Marjol Battery and Equipment plant after a review by the EPA's ombudsman. The agencies will work with Gannett Fleming, a Harrisburg engineering firm that Throop officials used in previous studies on the dump site.

Officials made the announcements at an emotional 90-minute meeting in the Borough Hall on Monday night.

Marjol recovered lead from old batteries and disposed of the remains at the site from 1963 until the early 1980s. Lead and other chemicals polluted nearby property, which prompted the debate on how to clean the area.

Throop residents once again said they wanted officials to remove all the contaminated soil from the 44-acre site at 600 Delaware St.

Removing materials could contaminate nearby neighborhoods again, said Maureen Essenthier, the Environmental Protection Agency's project manager. Residents had to fill their yards with new topsoil as the pollution was discovered in the 1980s. Federal officials covered the dump with dirt and a lining in the early 1990s.

"That (having lead open to the air) is how exposure happened in the past and that's what we want to prevent in the future," Ms. Essenthier said.

Environmental officials believe a cap of cement, a special plastic sheeting and dirt would secure the lead and end the long dispute. Residents fear seepage or a mine fire could let lead escape from such a cap.

An ombudsman for the Environmental Protection Agency reviewed the issue and last May offered two recommendations: design a cap strong enough to withstand any potential subsidence and further investigate the potential for a mine fire near the dump. The agencies agreed to the recommendations Monday.

Nine additional holes will be drilled sometime next year, said Paul J. Gotthold, the EPA's chief of Pennsylvania's operations, waste and chemical management division. The results should show the potential for mine fires. Gannett Fleming, which previously worked for Throop as the borough fought for removal of dirt from the site, will be involved in the upcoming study.

Contact the writer: bclark@timesshamrock.com

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Fw: Final EPA-OIG Report on the Marjol Battery site, Throop,

Paul Mckechnie, Stephen Schanamann, Rick

05/19/2004 10:08 AM

PA.

PA . . .

Sent by:

From: Gary Greening/OIG/USEPA/US

Gary Greening

To: Paul Mckechnie/R1/USEPA/US, Stephen Schanamann/OIG/USEPA/US, Rick

Linthurst/RTP/USEPA/US,

I appreciate his kind words.

----- Forwarded by Gary Greening/OIG/USEPA/US on 05/19/2004 10:07 AM -----



Keith Heasley <Keith.Heasley@mail.w vu.edu> To: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: Final EPA-OIG Report on the Marjol Battery site, Throop,

05/19/2004 10:05 AM

Gary;

Thank you for the copy. I think that you have done a good of addressing the science (and some of the politics) at the site.

Keith

>>> < Greening. Gary@epamail.epa.gov > 5/19/2004 8:06:16 AM >>>

Thank you for you time and assistance in this endeavor. We truly appreciate your efforts and professionalism.

(See attached file: 20040518-2004-P-00017.pdf)

Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov



Re: Marjol meeting is ON Gary Greening to: Eileen McMahon Sent by:

02/06/2004 02:20 PM

From: Gary Greening/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,

I am taking your advice to the bank! I am going there to meet and to listen.

One question I had not thought of before, and may not even be relevant since the meeting is in Kanjorski's office, but what if Kaufman shows up?

Eileen McMahon



Eileen McMahon To: Gary 0 02/06/2004 02:04 PM cc: Paul M

To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

That's all I know.

A recap of the terms of the meeting - We agreed to come and listen, and let their expert "share" information with our expert to make sure that "we know everything", and give some assurance to the community that we don't have any interest in any particular outcome - - only an objective review. The only commitment we have made is to meet and to listen. My advice would be to do just that. Don't feel pressured to make any commitments or agree to a specific action/timeframe - - if doing something is the best course of action, that decision can still be made or agreed to later, without the pressure.

Good luck.

Gary Greening



Gary Greening To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 01:52 PM cc:

Subject: Re: Marjol meeting is ON

The only detail I have is that we are meeting with Rep. Kanjorski, some Region 3 people, some Throop citizens, Throop's expert, and Dr. Heasley at 2:00 p.m. at Kanjorski's Wilkes-Barre office which is located in the Stegmaier Building at 7 North Wilkes-Barre Blvd.

Am I missing anything?

Eileen McMahon



Eileen McMahon 02/06/2004 01:46 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Thanks.

Do you guys have all the meeting details?

Gary Greening



Gary Greening

02/06/2004 01:14 PM

To: Eileen McMahon/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Steve has been in Pensacola (Escambia) all week and is flying back today. My understanding is that Steve will be in attendance in Wilkes-Barre on Monday.

Eileen McMahon



Eileen McMahon

02/06/2004 12:50 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

As soon as I can get into travel manager, it'll be done.

Steve are you going? Gary Greening



Gary Greening

To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 11:28 AM cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

GREAT!

Paul needs his TA approved.

Eileen McMahon



Eileen McMahon

02/06/2004 11:16 AM

To: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

cc:

Subject: Marjol meeting is ON



Re: Letter from Throop, dated 12/16/02 Gary Greening to: Stephen Schanamann

Sent by:

01/08/2003 08:17 AM

Gary Greening/OIG/USEPA/US From:

To: Stephen Schanamann/OIG/USEPA/US,

Right, I understand what you are saying, but the problem remains, and will remain, that unless and until R3 has had an opportunity to digest and analyze Gannett Fleming's new information and how GF perceives this new information's affects the final remedy, then R3 is put in the awkward position of having to defend their current position without having fully studied what potentially may change the final remedy. Throop would be welcome to attend the (for lack of a better term) closed door meeting with GF, R3, PADEP, and us, but they have already gone on record that they don't want to travel to Philly during normal business hours. I guess a closed door meeting could be held in Throop, but we tried that already back in October. I firmly believe that ANY public meeting will continue to be fueled by high emotions and anger directed at PADEP and EPA (of which we are associated with). So knowing that, why not give GF an opportunity to show R3 and PADEP the new info without R3 having to defend past actions in a public forum where GF's message may get lost?

Stephen Schanamann



Stephen Schanamann To: Gary Greening/OIG/USEPA/US@EPA

01/08/2003 07:17 AM

Subject: Re: Letter from Throop, dated 12/16/02



Gary,

I don't necessarily object, but the Throop city fathers have already complained about separate meetings to which they were not invited. I had more in mind one all-inclusive public meeting where the region would address the recent documents and state whether or not they changed anything about the preferred remedial alternative. Hopefully, the arguments would then be on the merits of the plan, and less on the emotional aspects. Also, the ombudsman's office could truthfully say we had no preconceived ideas before the meeting.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 01/07/2003 03:58 PM To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

CC:

Subject: Re: Letter from Throop, dated 12/16/02 . . .



I quickly drafted a response to Throop along the lines outlined below. Let me know your thoughts/comments.



throop meeting #2.wpc

Gary Greening



Gary Greening 01/07/2003 01:17 PM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US

Subject: Re: Letter from Throop, dated 12/16/02

I just got off the phone with Maureen Essenthier, EPA-Region 3, on how they are going to proceed in response to Throop's letter and my status update I provided to all on January 6, 2003.

R3 is going to write back to Throop and request that they provide the "new technical information" that was supposed to be presented at the November 8th meeting. They are going to tell Throop that we provided the information Doug Blazey sent to us back in October, but they want to make sure there was nothing more. In their letter they will also request a meeting with the Throop technical representatives in Philadelphia to allow them to explain how this "new technical information" affects the proposed final remedy. Once R3 has digested and analyzed the information and responds to the "new technical information" they will then agree to an open public meeting. They (R3) do not believe a public meeting BEFORE receiving and analyzing the new technical information would be productive. R3 will cc: us on their response to Throop.

I told them I thought that was a reasonable approach. I am thinking that we, too, should respond in similar fashion. Your thoughts?

BTW - we STILL have never received the mailed letter from Throop. I don't know where our mail goes . . .

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening To: Mary Boyer/R4/USEPA/US, Stephen Schanamann/OIG/USEPA/US

12/26/2002 03:29 PM

Subject: Letter from Throop, dated 12/16/02 . . .

I just got off the phone with Paul Gothold, Reg 3 - RCRA PA Operations. He asked if I had seen the December 16, 2002 letter from James Mellody, Jr., Throop Council President. I told him no, I had not (I don't know where our mail goes, but that's another story). He faxed me the copy they received. It reads:

"Dear Mr. Welsh (EPA Region 3 Regional Administrator) & Ms. Boyer:

CC:

The Throop Council and Mayor Stan Lukowski would like to schedule a briefing, in Throop, to present information and field questions concerning the Marjol Site. We invite EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., and all legislative officials to attend. The Council and Mayor will chair the meeting. Gannett Fleming, Inc. will make a presentation of the most recent technical findings concerning the Marjol Battery Site.

We would like EPA and Ms. Boyer to help us understand where things are and what is the process ahead. This will be an open meeting, to be held at the Throop Civic Center, preferably in the evening.

Please contact Elaine Morrell, Administrator or Christina Sullivan, assistant Secretary with some dates and who will attend so we can arrange this meeting. If you have any questions, feel free to contact Mayor Stanley Lukowski (570)489-8311.

Sincerely yours, James Mellody, Jr. Council President"

US Senators Specter and Santorum, US Representative Kanjorski, PA State Senator Mellow, PA State Representative Cawley, PADEP, Gould, and Gannett Fleming were all cc:'d on this letter.

OK guys, I was ready to close this out pending comments from R3 and PADEP on the "new" information we received from Doug Blazey back in October. I guess it was lucky Eileen didn't get Nikki to sign out that letter we prepared to Specter back on December 17?

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 01/06/2003 12:47 PM

- To: Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US, Paul Gotthold/R3/USEPA/US
- cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

NOTICE: THE CONTENTS OF THIS E-MAIL ARE PRE-DECISIONAL AND IN DRAFT FORM. THEY MAY NOT BE RELEASED UNDER FOIA, NOR DISCUSSED OUTSIDE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY WITHOUT THE EXPRESS CONSENT OF THE AUTHOR.

(b) (6)

about my draft findings and conclusions. However, I will briefly

outline them below:

Prior to receiving the Throop letter dated December 16, 2002, we were in the process of drafting a letter to inform the concerned parties that we intended to close out the Ombudsman's Marjol Battery case in 30 days.

In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

We did finally receive the new information in late October and it appeared to merit further consideration. The information was a draft report on mine subsidence prepared by Gould's contractor, dated December 22, 1992. The draft report identified a geological feature on the Marjol property that could have potentially affected the proposed remedy. This geological feature was omitted, without comment or explanation, from the final report that was officially submitted to and used by EPA Region 3 in developing the proposed Marjol final remedy. We have provided EPA Region 3 (Maureen Essenthier) and the Pennsylvania Department of Environmental Protection (Robert K. Lewis) with copies of the draft report on October 29, 2002 for their consideration and informal comments. As of this date, we have not received comments from either Region 3 or PADEP.

We did not initially want to drop the case after our experience in Throop. Rather, on October 10, 2002, we asked Senators Specter's and Santorum's staffs to consider sponsoring meetings with concerned citizens and groups. Additionally, we sent letters to citizens in Throop on November 21, 2002 asking if they had additional information. To date, we have not heard from the Senators' offices nor the citizens themselves and just recently received the December 16, 2002, letter from the Throop Borough officials. Peggy has informed me that she would be

willing to attend a public meeting, preferably between the hours of 8:30 a.m. and 5:00 p.m. <u>if</u> <u>Region 3 wanted to do this</u>. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Status of the Marjol Battery Case Letters



Gary Greening to: Maureen Essenthier

Sent by:

Gary Greening/OIG/USEPA/US From: To: Maureen Essenthier/R3/USEPA/US,

Maureen,

Have you heard from the BAMR folks yet? Have you gotten any feedback from Throop on your January 21, 2003 response to their December 16, 2002 letter? We have not heard from Throop.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier

01/06/2003 03:37 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Mary

Boyer/R4/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA,

Stephen Schanamann/OIG/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: DRAFT Status of the Ombudsman's Marjol Battery Case as of

January 6, 2003.

Gary,

Thank you for the update. The PA BAMR folks are reviewing the new mining information sent by Doug Blazey to the Ombudsman's office. I will get an opinion on the Throop meeting from the Region 3 mangers.

Maureen Essenthier Waste & Chemicals Management Division **EPA Region III** 215-814-3416 essenthier.maureen@epa.gov

Gary Greening

01/30/2003 11:55 AM

Re: Marjol Battery

Nikki Tinsley to: Eileen McMahon 08/30/2005 05:57 PM

Cc: Gary Greening, OIG-OCPL, Paul Mckechnie, Stephen Schanamann

From: Nikki Tinsley/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,

Cc: Gary Greening/OIG/USEPA/US@EPA, OIG-OCPL@EPA, Paul

Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

History: This message has been forwarded.

Congratulations, guys. I doubt that this was your most pleasant OIG experience, but your perseverance has paid off.

Eileen McMahon/OIG/USEPA/US



Eileen McMahon/OIG/USEPA/US 08/30/2005 05:53 PM

To OIG Assistant Inspectors General, OIG Deputy Assistant Inspectors General and Special Assistants, OIG-OCPL

CC Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject Marjol Battery

I am pleased to share with you the outcome of one of the first cases the OIG ombudsman (now public liaison) undertook. The team that worked on this case (Paul Mckechnie, Gary Greening, Steve Schanamann) deserve a great deal of credit for many reasons; this was one of the first cases of this "new" type of work for the OIG, the team participated in several (very) public activities including lengthy meetings with Congressman Kanjorski and the staff of Senator Specter's office, and they stuck to their position (drill more test holes) in spite of strong disagreement by Region 3. We issued our final report in May 2004. Thanks to their efforts, and the impartial but thorough work of the OIG, the recommendations made in our ombudsman's report are now being implemented.

Great work.

---- Forwarded by Eileen McMahon/OIG/USEPA/US on 08/30/2005 05:28 PM -----



John Manibusan/OIG/USEPA/US 08/30/2005 05:07 PM

To Eileen McMahon/OIG/USEPA/US@EPA, Nancy Long/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

CC

Subject Drilling to resume at Throop site

The Times-Tribune

08/30/2005

Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

THROOP — State and federal officials will work with an outside engineering firm to study whether an old battery dump can be permanently sealed or must be excavated.

The Environmental Protection Agency and the Department of Environmental Protection agreed to drill nine additional holes near the site of the former Marjol Battery and Equipment plant after a review by the EPA's ombudsman. The agencies will work with Gannett Fleming, a Harrisburg engineering firm that Throop officials used in previous studies on the dump site.

Officials made the announcements at an emotional 90-minute meeting in the Borough Hall on Monday night.

Marjol recovered lead from old batteries and disposed of the remains at the site from 1963 until the early 1980s. Lead and other chemicals polluted nearby property, which prompted the debate on how to clean the area.

Throop residents once again said they wanted officials to remove all the contaminated soil from the 44-acre site at 600 Delaware St.

Removing materials could contaminate nearby neighborhoods again, said Maureen Essenthier, the Environmental Protection Agency's project manager. Residents had to fill their yards with new topsoil as the pollution was discovered in the 1980s. Federal officials covered the dump with dirt and a lining in the early 1990s.

"That (having lead open to the air) is how exposure happened in the past and that's what we want to prevent in the future," Ms. Essenthier said.

Environmental officials believe a cap of cement, a special plastic sheeting and dirt would secure the lead and end the long dispute. Residents fear seepage or a mine fire could let lead escape from such a cap.

An ombudsman for the Environmental Protection Agency reviewed the issue and last May offered two recommendations: design a cap strong enough to withstand any potential subsidence and further investigate the potential for a mine fire near the dump. The agencies agreed to the recommendations Monday.

Nine additional holes will be drilled sometime next year, said Paul J. Gotthold, the EPA's chief of Pennsylvania's operations, waste and chemical management division. The results should show the potential for mine fires. Gannett Fleming, which previously worked for Throop as the borough fought for removal of dirt from the site, will be involved in the upcoming study.

Contact the writer: bclark@timesshamrock.com

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Marjol Battery

OIG Assistant Inspectors General, OIG

Eileen McMahon to: Deputy Assistant Inspectors General and Special Assistants, OIG-OCPL

Cc: Paul Mckechnie, Gary Greening, Stephen Schanamann

From: Eileen McMahon/OIG/USEPA/US

To: OIG Assistant Inspectors General, OIG Deputy Assistant Inspectors General and Special

Assistants, OIG-OCPL,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

History: This message has been replied to.

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Great work.

---- Forwarded by Eileen McMahon/OIG/USEPA/US on 08/30/2005 05:28 PM -----



John Manibusan/OIG/USEPA/US 08/30/2005 05:07 PM

To Eileen McMahon/OIG/USEPA/US@EPA, Nancy Long/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

CC

Subject Drilling to resume at Throop site

The Times-Tribune

08/30/2005

Drilling to resume at Throop site

BY BRIAN CLARK Staff Writer

THROOP — State and federal officials will work with an outside engineering firm to study whether an old battery dump can be permanently sealed or must be excavated.

08/30/2005 05:53 PM

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Contact the writer: bclark@timesshamrock.com

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Final EPA-OIG Ombudsman Report of the Marjol Battery Site

thomas dower, andy wallace, ashley horning, John Manibusan

michael_narcavage, kate.mcmahon

Cc: Paul Mckechnie, Gary Greening

John Manibusan/OIG/USEPA/US From:

To: thomas_dower@specter.senate.gov, andy_wallace@specter.senate.gov,

ashley_horning@santorum.senate.gov, michael_narcavage@santorum.senate.gov,

kate.mcmahon@mail.house.gov,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

Please find attached a link to our final Ombudsman Report titled "Ombudsman Review of the Marjol Battery Site, Throop, Pennsylvania" dated May 18, 2004. http://www.epa.gov/oig/reports/2004/20040518-2004-P-00017.pdf If you have any questions, or would like a briefing on this report, please feel free to contact me at the number below.

Thanks,

John Manibusan **EPA Office of Inspector General** Office of Congressional and Public Liaison 1200 Pennsylvania Ave., NW MC 2491T Washington, DC 20460 Ph: 202.566.2584 Fx: 202.566.2549

manibusan.john@epa.gov

05/19/2004 12:06 PM



Re: Marjol meeting is ON

Cc: Paul Mckechnie

Eileen McMahon to: Gary Greening

From: Eileen McMahon/OIG/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,
Cc: Paul Mckechnie/R1/USEPA/US@EPA

That's all I know.

A recap of the terms of the meeting - We agreed to come and listen, and let their expert "share" information with our expert to make sure that "we know everything", and give some assurance to the community that we don't have any interest in any particular outcome - - only an objective review. The only commitment we have made is to meet and to listen. My advice would be to do just that. Don't feel pressured to make any commitments or agree to a specific action/timeframe - - if doing something is the best course of action, that decision can still be made or agreed to later, without the pressure.

Good luck.

Gary Greening



Gary Greening To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 01:52 PM cc:

Subject: Re: Marjol meeting is ON

The only detail I have is that we are meeting with Rep. Kanjorski, some Region 3 people, some Throop citizens, Throop's expert, and Dr. Heasley at 2:00 p.m. at Kanjorski's Wilkes-Barre office which is located in the Stegmaier Building at 7 North Wilkes-Barre Blvd.

Am I missing anything?

Eileen McMahon



Eileen McMahon To: Gary Greening/OIG/USEPA/US@EPA

02/06/2004 01:46 PM cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Thanks.
Do you guys have all the meeting details?
Gary Greening



Gary Greening To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 01:14 PM cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Steve has been in Pensacola (Escambia) all week and is flying back today. My understanding is that Steve will be in attendance in Wilkes-Barre on Monday.

Eileen McMahon

02/06/2004 02:04 PM



Eileen McMahon

02/06/2004 12:50 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

As soon as I can get into travel manager, it'll be done.

Steve are you going? Gary Greening



Gary Greening

02/06/2004 11:28 AM

To: Eileen McMahon/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

GREAT!

Paul needs his TA approved.

Eileen McMahon



Eileen McMahon

02/06/2004 11:16 AM

To: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: Marjol meeting is ON



Re: Marjol Meeting in Wilkes Barre-UPDATE



02/06/2004 10:10 AM

Eileen McMahon to: Gary Greening Cc: Paul Mckechnie, Stephen Schanamann

From: Eileen McMahon/OIG/USEPA/US Gary Greening/OIG/USEPA/US@EPA, To:

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

He knows that.

We will always try our best to accommodate any reasonable congressional request. Since we are paying the expert for his time, I don't think of this as a favor.

I will let you know as soon as I hear.

Gary Greening



Gary Greening 02/06/2004 10:03 AM To: Eileen McMahon/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA. Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol Meeting in Wilkes Barre-UPDATE

In a nice way, kindly let Kanjorski know that our expert is a contractor, too, and also an associate professor at West Virginia University who took time out of his schedule to make himself available for Monday's planned meeting. He cannot, at the drop of a hat, attend at meeting that is scheduled at the last minute. In addition, I have spent parts of the past three days working with Jean Parry-Hill to ensure we are using the proper contracting vehicle and funding is in place to allow Dr. Heasley to attend this meeting.

I'll be anxiously awaiting word at 1:30 p.m. - Gary

Eileen McMahon



Eileen McMahon 02/06/2004 09:53 AM To: Paul Mckechnie/R1/USEPA/US@EPA. Garv Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: Marjol Meeting in Wilkes Barre-UPDATE

I have spoken to Congressman Kanjorski's office again this morning, and they still don't know if Gannet/Fleming (the technical advisors to Throop) will be able to meet on Monday. I told they that we made a commitment to the Congressman to meet with Throop's technical folks, and we will meet that commitment, but if we could not get definitive confirmation of Gannet/Fleming's participation by 1:00PM today, we would have to reschedule the meeting for another time when they could be available. I will let you know by 1:30 PM today, at the latest, whether the meeting on Monday is on or off.

thanks-Eileen



Ombudsman's Final Report - Marjol Battery Site Cronmiller, James to: Gary Greening

12/10/2003 10:23 AM

From: To: "Cronmiller, James" <JCronmiller@gouldelectronics.com> Gary Greening/OIG/USEPA/US@EPA,

Gary,

We have just passed the third year of having the implementation of the remedy delayed for the Marjol Battery Site in Throop, PA. I thought it would be an appropriate time to inquire about the status of the Ombudsman's Final Report regarding the site.

When do you expect the Final Report to be released? Is there any more investigation that has to be done? If so, in what areas and how long do you expect it will take? If not, what are the next steps in the process to finalize the report and when will they occur?

I hope to hear from you soon.

Jim Cronmiller

Gould Electronics

34929 Curtis Blvd

Eastlake, OH 44095

Tel: 440-953-5044

Fax: 440-953-5008

Email: jcronmiller@gould.com



Re: Status of Marjol Investigation

Yvette Hamilton to: Gary Greening

Tom Voltaggio, Diane Ajl, Neil Wise, William Early, Lydia Isales,

Maureen Essenthier, Paul Gotthold

Yvette Hamilton/R3/USEPA/US From:

To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Tom Voltaggio/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Neil

> Wise/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Paul

Good afternoon Gary,

Would you please provide us the current status of the Marjol Investigation? Have there been any developments since your last update of July 6, 2003. Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

07/06/2003 08:23 PM

---- Forwarded by Yvette Hamilton/R3/USEPA/US on 09/15/2003 04:00 PM -----



Gary Greening To: Yvette Hamilton/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA,

Rick Linthurst/RTP/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA. Stephen Schanamann/OIG/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Yvette.

As you may know, I was out of the office all last week. But to bring you up to date, this is what I know as of Sunday evening, July 6, 2003. The OIG's contracted Anthracite Mining Expert (Dr. Keith Heasley) has started to review the technical reports and will be putting in a request to us for more information to expedite his review. I do know he plans to perform a site visit, but I do not have a date.

While I was out on personal travel last week, I was in the Scranton, PA area on July 3rd. At the top of the news on WYOU Channel 22 was a news story about US Representative Kanjorski holding a "town meeting" with the citizens of Throop on the Marjol Battery Site. Do you know what came of that meeting? Did Rep. Kanjorski ask the EPA for any data? Please let me know if his involvement has prompted any action on the part of Region 3. Also, I do know that Susan Shortz, a member of the original CRC, received the most votes in the primary election for Throop Borough Council. The general election will be held in November.

Finally, I leave for Denver on another Ombudsman case on Tuesday, July 8 and will not be in the office until Monday, July 14.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

09/15/2003 04:26 PM

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Subject: Status of Marjol Investigation

Good morning Gary,

Would you please provide us the status of the Marjol investigation? Has there been any new developments that we should be aware of? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636

Fax: (215) 814-2603



Re: Draft Final Report - Marjol Battery Site - Throop, PA

03/09/2004 07:33 AM

Sent by:

Cc: Paul Mckechnie

Gary Greening/OIG/USEPA/US From:

"Cronmiller, James" <JCronmiller@gouldelectronics.com>, To:

Gary Greening to: Cronmiller, James

Cc: Paul Mckechnie/R1/USEPA/US@EPA

Mr. Cronmiller,

Sorry for the delay. The draft report is with the acting Ombudsman, Paul McKechnie, for signature. Once he signs the report and distributes it to Region 3, Region 3 then has 30 days to review and respond to the draft report's findings and recommendations. Once we receive Region 3's comments and incorporate any we believe are appropriate, we then issue a final report which is made available to the public.

I will let you know when we have issued the draft report to Region 3.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave. NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

"Cronmiller, James" <JCronmiller@gouldelectronics.com>



"Cronmiller, James" <JCronmiller@gouldele</pre> ctronics.com>

To: Gary Greening/OIG/USEPA/US@EPA

Subject: Draft Final Report - Marjol Battery Site - Throop, PA

03/08/2004 02:50 PM

Gary,

Four weeks ago, it was promised that the draft Final Report was to be released to the EPA, Region 3, in a couple of weeks. I have not heard if it has been released. Do you know the status? Also, what is your schedule for making the Final Report public?

Jim Cronmiller

Gould Electronics

34929 Curtis Blvd

Eastlake, OH 44095

Tel: 440-953-5044

Fax: 440-953-5008

Email: jcronmiller@gould.com



Re: Letter from Throop, dated 12/16/02 . . .

Sent by:

Gary Greening to: Stephen Schanamann

01/08/2003 08:21 AM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US@EPA,

I've added an additional line to include Throop in the closed meeting . . .



throop meeting #2.wpc

Gary Greening



Gary Greening To: Stephen Schanamann/OIG/USEPA/US

01/08/2003 08:17 AM

Subject: Re: Letter from Throop, dated 12/16/02

9

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Stephen Schanamann



Stephen Schanamann To: Gary Greening/OIG/USEPA/US@EPA

01/08/2003 07:17 AM

CC:

Subject: Re: Letter from Throop, dated 12/16/02 ...

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Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 01/07/2003 03:58 PM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: Re: Letter from Throop, dated 12/16/02



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Gary Greening



Gary Greening 01/07/2003 01:17 PM

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BTW - we STILL have never received the mailed letter from Throop. I don't know where our mail goes . . .

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 12/26/2002 03:29 PM To: Mary Boyer/R4/USEPA/US, Stephen Schanamann/OIG/USEPA/US

Subject: Letter from Throop, dated 12/16/02 . . .

I just got off the phone with Paul Gothold, Reg 3 - RCRA PA Operations. He asked if I had seen the December 16, 2002 letter from James Mellody, Jr., Throop Council President. I told him no, I had not (I don't know where our mail goes, but that's another story). He faxed me the copy they received. It reads:

"Dear Mr. Welsh (EPA Region 3 Regional Administrator) & Ms. Boyer:

The Throop Council and Mayor Stan Lukowski would like to schedule a briefing, in Throop, to present information and field questions concerning the Marjol Site. We invite EPA Region III, the National Ombudsman, Ms. Mary Boyer, PADEP, Gould, our technical advisors, Gannett Fleming, Inc., and all legislative officials to attend. The Council and Mayor will chair the meeting. Gannett Fleming, Inc. will make a presentation of the most recent technical findings concerning the Marjol Battery Site.

We would like EPA and Ms. Boyer to help us understand where things are and what is the process ahead. This will be an open meeting, to be held at the Throop Civic Center, preferably in the evening.

Please contact Elaine Morrell, Administrator or Christina Sullivan, assistant Secretary with some dates and who will attend so we can arrange this meeting. If you have any questions, feel free to contact Mayor Stanley Lukowski (570)489-8311.

Sincerely yours, James Mellody, Jr. Council President"

US Senators Specter and Santorum, US Representative Kanjorski, PA State Senator Mellow, PA State Representative Cawley, PADEP, Gould, and Gannett Fleming were all cc:'d on this letter.

OK guys, I was ready to close this out pending comments from R3 and PADEP on the "new" information we received from Doug Blazey back in October. I guess it was lucky Eileen didn't get Nikki to sign out that letter we prepared to Specter back on December 17?

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Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 01/06/2003 12:47 PM

To: Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US, Paul Gotthold/R3/USEPA/US

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: DRAFT Status of the Ombudsman's Marjol Battery Case as of January 6, 2003.

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OUTSIDE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY WITHOUT THE EXPRESS CONSENT OF THE AUTHOR.

(b) (6)
about my draft findings and conclusions. However, I will briefly outline them below:

Prior to receiving the Throop letter dated December 16, 2002, we were in the process of drafting a letter to inform the concerned parties that we intended to close out the Ombudsman's Marjol Battery case in 30 days.

In a letter dated April 13, 2000, Senator Specter requested that the prior Ombudsman, Robert Martin, assess EPA's activities at the Marjol Battery site. When the Ombudsman function was transferred to the Office of the Inspector General in April 2002 and Mr. Martin resigned, we committed to continuing and completing Ombudsman cases transferred with the function.

We reviewed the information transferred from Mr. Martin's office regarding the site. We evaluated Mr. Martin's preliminary draft report dated October 10, 2001, EPA Region 3's response dated November 29, 2001, and relevant parts of the Administrative Record. We also toured the site on September 17, 2002. Based on our preliminary review, we determined that EPA Region 3 thoroughly and accurately addressed all of the findings in Mr. Martin's preliminary draft report.

Throop's Special Environmental Counsel subsequently informed both Region 3 and our office in August 2002, that the Borough had new information concerning the coal seam and a meeting was arranged for Throop to present the information to EPA Region 3 Regional Administrator and us on September 20, 2002. When that meeting was postponed until November 8, 2002, we agreed to discuss the new information in an earlier, separate meeting on October 9, 2002, with Throop's mayor, council president and three other concerned citizens. However, the mayor and council president opened the meeting to the public without informing us and allowing us to prepare. Though we were there to hear about the Borough's new information on the coal seam, the mayor, council president and EPA employee Hugh Kaufman berated us from the moment we entered the building for EPA's past actions. After repeatedly asking the mayor to conduct the agreed upon meeting to listen to the Borough's new information without success, we left. It was very apparent the Borough did not want this Ombudsman's assistance at that time. The Throop Borough council subsequently voted not to attend the November 8th meeting with the Regional Administrator.

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have provided EPA Region 3 (Maureen Essenthier) and the Pennsylvania Department of Environmental Protection (Robert K. Lewis) with copies of the draft report on October 29, 2002 for their consideration and informal comments. As of this date, we have not received comments from either Region 3 or PADEP.

We did not initially want to drop the case after our experience in Throop. Rather, on October 10, 2002, we asked Senators Specter's and Santorum's staffs to consider sponsoring meetings with concerned citizens and groups. Additionally, we sent letters to citizens in Throop on November 21, 2002 asking if they had additional information. To date, we have not heard from the Senators' offices nor the citizens themselves and just recently received the December 16, 2002, letter from the Throop Borough officials. Peggy has informed me that she would be willing to attend a public meeting, preferably between the hours of 8:30 a.m. and 5:00 p.m. <u>if</u>

Region 3 wanted to do this. However, Peggy is not available until February (b) (6)

Thank you Gary R. Greening
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1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Marjol - Documents and schedule for work request

Gary Greening to: Stephen Schanamann Sent by:

03/12/2003 12:10 PM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

Steve.

I received feedback from Jean Parry-Hill on the Marjol Anthracite Mining Expert work request. She has asked that we specify, <u>if we can</u>, the documents we want the expert to look at and comment on. Also, in order to keep tabs on the contractor we should come up with some type of schedule of when we want a progress report or draft report. Can you help me with this?

For #1 - I believe that would be the PADEP letter. I need to find it to get the exact date. For #2, do you have anything specific in mind? For #3 - the documents are obvious. Do you think we should also ask him to comments on PA's rebuttal?

"We request that the assistance take the form of a letter report discussing and providing an opinion on:

- 1. The subsurface geological features and their potential effect on the USEPA's proposed final remedy for the site. Specifically, the validity of calculations developed and used by BAMR concerning the potential for and estimating the amount of subsidence that can be expected at the Marjol site;
- 2. The geological considerations Throop's contractor Gannett Fleming used to oppose the USEPA's final remedy; and
- 3. The validity and persuasiveness of a draft report on possible subsidence at the site provided to this office by lawyers for the Borough of Throop and the rebuttal provided by Gould ."

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



November 16, 2002 Scranton Times RE: GAO Report and Marjol . . .

Gary Greening to: Eileen McMahon, Patrick Gilbride

11/18/2002 08:13 AM

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Eileen McMahon/OIG/USEPA/US, Patrick Gilbride/OIG/USEPA/US,

Scranton Times Tribune <u>home</u>: news : content

GAO report: Restore independent Marjol ombudsman

BY STEPHEN DAILY / REGIONAL STAFF WRITER

11/16/2002

A congressional report released Wednesday could mean good news for Throop and other areas around the country with toxic waste sites.

A report of the General Accounting Office, the auditing arm of Congress, recommends that the Environmental Protection Agency restore some of the independence to the ombudsman position -- much of which was lost when the position was merged with the office of the inspector general.

The report reiterated the concerns of former ombudsman Robert Martin, who resigned in April after his office was stripped of its authority. Throop officials have said that move was made to conceal truths concerning hazardous chemicals at the Marjol battery site.

The report could ignite Congress to take action. Sen. Arlen Specter, who co-sponsored legislation to recreate the ombudsman position outside of the inspector general's office, said the GAO is "exactly right." He said the chances of legislation passing when Congress reconvenes next year are good.

"The ombudsman should be tough, vigorous, independent and an advocate for the people," Mr. Specter said. "Mr. Martin was very effective and they got rid of him, much to my chagrin."

Mr. Specter, a member of the Environment and Public Works Committee, co-sponsored legislation that would reauthorize the EPA's hazardous waste ombudsman and strengthen the ombudsman's authority. A letter from John B. Stephenson, GAO director of natural resources and environment, says Congress is strongly considering the legislation.

In the report, the GAO noted that the ombudsman does not have control over his or her own budget, staff or workload and lacks the authority to decide what warrants investigation. In the OIG, the ombudsman reports to a newly created assistant inspector general, unlike in other federal agencies where the ombudsmen report to the highest levels of the agency, the report said.

Mr. Martin said he stands behind the GAO conclusions and commends it for "clearly stating the truth."

"Anytime there's a stand in truth, it matters, and that can only help the people of Throop and other areas of Pennsylvania," Mr. Martin said.

He is adamant the ombudsman must remain independent to function effectively. Although uncertain whether the report will translate into the passage of a congressional bill, he said it shows increased support.

"There is a growing concern among many people that what administrator (Christine) Whitman has done cannot stand and the report only helps," Mr. Martin said.



From:

Re: Letter from Throop, dated 12/16/02 . . .

Gary Greening to: Eileen McMahon

Sent by:

Gary Greening/OIG/USEPA/US

Eileen McMahon/OIG/USEPA/US.

I know you are very busy, however since Peggy is out of the office I need your guidance. Can you take a few moments and give me your thoughts? Thanks - Gary

PS - When are you going to get someone to do your "old" job?

---- Forwarded by Gary Greening/OIG/USEPA/US on 01/08/2003 10:50 AM -----



Gary Greening To: Stephen Schanamann/OIG/USEPA/US@EPA

01/08/2003 08:21 AM cc:

Subject: Re: Letter from Throop, dated 12/16/02 ...

I've added an additional line to include Throop in the closed meeting . . .



throop meeting #2.wpc

Gary Greening



Gary Greening To: Stephen Schanamann/OIG/USEPA/US

01/08/2003 08:17 AM

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01/08/2003 10:52 AM

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Washington, DC 20460

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E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 12/26/2002 03:29 PM

To: Mary Boyer/R4/USEPA/US, Stephen Schanamann/OIG/USEPA/US

CC:

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E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening 01/06/2003 12:47 PM

- To: Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US, Paul Gotthold/R3/USEPA/US
- cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

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Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



November 16, 2002 Scranton Times RE: GAO Report and Marjol . . .

Gary Greening to: Knyszczun

11/18/2002 08:13 AM

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Paul Gotthold/R3/USEPA/US, Kenneth

Kryszczun/R3/USEPA/US,

Scranton Times Tribune

<u>home</u>: <u>news</u>: content

GAO report: Restore independent Marjol ombudsman

BY STEPHEN DAILY / REGIONAL STAFF WRITER

11/16/2002

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Marjol Ombudsman's Report

Maureen Essenthier to: Gary Greening

05/12/2004 02:09 PM

Cc: Paul Mckechnie, Paul Gotthold, Joel Hennessy, James Burke, Yvette Hamilton, Diane Ajl, Tom Voltaggio

From: Maureen Essenthier/R3/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

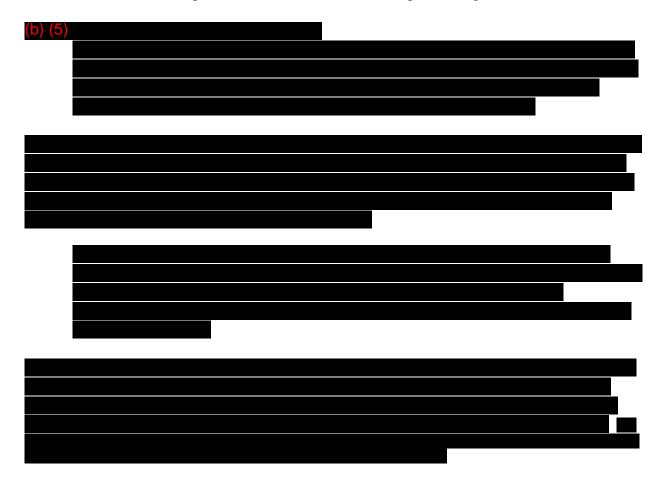
Cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Joel

Hennessy/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

Gary,

Thank you for the opportunity to discuss the final Ombudsman's report yesterday. As we discussed, you believe that additional investigation is advisable to relieve community concerns over a possible mine-fire hazard at the site. The recommendation for additional investigation in the draft Ombudsman's report, however, is too narrow to capture this goal.



Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Re: Marjol status report to: Gary Greening

Cc: Paul Mckechnie

From: Eileen McMahon/OIG/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,
Cc: Paul Mckechnie/R1/USEPA/US@EPA

Thanks for the clarification. It wasn't a blame thing, although we do have to explain why we aren't we said we'd be, I just wanted to know where I was part of the

delay - - if I was. When I was in Baltimore I was not "incommunicado", and had relayed my guidance. I did change the status reports since I had to send them out yesterday so we probably don't need to beat this horse an longer. Obviously, this is something we (not you, however) will need to keep better track of - who has what, and for how long.

Thanks for your information.

Gary Greening



Gary Greening
To: Eileen McMahon/OIG/USEPA/US@EPA
05/06/2004 07:13 AM
cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Re: Marjol status report

Eileen

I was not writing it to place blame and the way you have it written in the final is fine, but what I wrote was based on my recollection of conversations and e-mails that took place during the week you were in Baltimore (see e-mail of 4/15 below). While you were out that week at a Leadership Meeting, we were still discussing proper handling and waiting until you came back for more guidance. Thanks - Gary

Gary Greening

Nancy Long



Nancy Long 04/15/2004 01:10 PM

To: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

cc: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: Marjol --region's response



Just to let you know, Gary and I spoke about the proposed letter to the Borough of Throop. I realize we are in a tough spot here and am not sure how best to proceed. I told Gary that we would get your opinion, Paul, before you go on leave and then we'll talk to Eileen next week. If she agrees on procedure, one of us can sign the letter out next week in your absence. That being said, does anyone have any ideas/suggestions about any other alternative we might have?

Brainstorming --- Would it be feasible to add some discussion to the report of the apparent lack of consensus and then condition the recommendation on the region's getting buy-in from the borough and if

05/06/2004 09:35 AM

that is not forthcoming then we would say the region does not have to comply with the recommendation?

Eileen McMahon



Eileen McMahon 05/05/2004 03:54 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Marjol status report

In reviewing the Marjol status report, I noted that my absence was listed as one reason for the delay. I am not aware of any time frame in the preceding month when you were waiting on me for feedback on the proper handling of the Region's nonconcurrence. I spoke with Paul before he went on vacation and suggested he make an informal inquiry with a Throop representative from the meeting and test their understanding of whether of not the additional actions would satisfy them. If I am the reason for the delay I am more than willing to have it known, but in this case I don't know what role I played in a delay. Please correct me if I am wrong.

thanks-



Re: Draft Report Ombudsman Review of the Marjol Battery Site, Throop, Pennsylvania

Gary Greening to: Paul Mckechnie 03/10/2004 06:28 AM

Cc: Stephen Schanamann

From: Gary Greening/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US,

Cc: Stephen Schanamann/OIG/USEPA/US

Tuesday, March 9, 2004!!! Hooray!!! I think I will declare that a personal holiday from this day forward!!! Oh, maybe I better wait until we issue the final

Thank YOU, Paul, for your patience and just being there to listen to me!

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Marjol meeting is ON in to: Gary Greening

ry Greening 02/06/2004 03:26 PM

From: Eileen McMahon/OIG/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

02/06/2004 02:20 PM

We covered that in our marathon 3-plus hour meeting in Kanjorski's office (lucky you missed it). This is a private, invitee only meeting and the invitees were limited to Kanjorski, us, Region 3, our expert, their expert and one or two citizens. We told them that the presence of the former ombudsman and his reps at the last meeting we tried to participate in was counter productive, and they agreed.

The Congressman seems like a classy guy, I really would be surprised if he would put up with such antics. Gary Greening



Gary Greening To: Eileen McMahon/OIG/USEPA/US@EPA

CC:

Subject: Re: Marjol meeting is ON

I am taking your advice to the bank! I am going there to meet and to listen.

One question I had not thought of before, and may not even be relevant since the meeting is in Kanjorski's office, but what if Kaufman shows up?

Eileen McMahon



Eileen McMahon To: Gary Greening/OIG/USEPA/US@EPA 02/06/2004 02:04 PM cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

That's all I know.

A recap of the terms of the meeting - We agreed to come and listen, and let their expert "share" information with our expert to make sure that "we know everything", and give some assurance to the community that we don't have any interest in any particular outcome - - only an objective review. The only commitment we have made is to meet and to listen. My advice would be to do just that. Don't feel pressured to make any commitments or agree to a specific action/timeframe - - if doing something is the best course of action, that decision can still be made or agreed to later, without the pressure.

Good luck.

Gary Greening



Gary Greening To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 01:52 PM

Subject: Re: Marjol meeting is ON

The only detail I have is that we are meeting with Rep. Kanjorski, some Region 3 people, some Throop citizens, Throop's expert, and Dr. Heasley at 2:00 p.m. at Kanjorski's Wilkes-Barre office which is located in the Stegmaier Building at 7 North Wilkes-Barre Blvd.

Am I missing anything?

Eileen McMahon



Eileen McMahon 02/06/2004 01:46 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Thanks.
Do you guys have all the meeting details?
Gary Greening



Gary Greening 02/06/2004 01:14 PM

To: Eileen McMahon/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

Steve has been in Pensacola (Escambia) all week and is flying back today. My understanding is that Steve will be in attendance in Wilkes-Barre on Monday.

Eileen McMahon



Eileen McMahon

To: Gary Greening/OIG/USEPA/US@EPA

02/06/2004 12:50 PM

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

As soon as I can get into travel manager, it'll be done.

Steve are you going? Gary Greening



Gary Greening

To: Eileen McMahon/OIG/USEPA/US@EPA

02/06/2004 11:28 AM

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol meeting is ON

GREAT!

Paul needs his TA approved.

Eileen McMahon



Eileen McMahon

02/06/2004 11:16 AM

To: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: Marjol meeting is ON



Re: Marjol - Documents and schedule for work request

Stephen Schanamann to: Gary Greening

03/12/2003 02:30 PM

To:

Stephen Schanamann/OIG/USEPA/US Gary Greening/OIG/USEPA/US@EPA,

Gary,

Hope your move was not too painful. I am boxing this afternoon, and will be out of pocket or away at training until

3/24. I put the report rebuttal in your mail box. The authors were a bit pissed that the lawyer brought the matter up at all, but their reasons appear valid. This also should be looked at by the expert, probably for questions #1 and #2.

As to #2, I had in mind the copy of the draft report we received. It has calculations concerning subsidence in it. For #1, I concur in use of the PA memo which states that subsidence was estimated at about 2 feet overall, and mentions calculations produced for areas where school construction was being contemplated.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening To: Stephen Schanamann/OIG/USEPA/US@EPA

03/12/2003 11:10 AM

Subject: Marjol - Documents and schedule for work request

Steve.

I received feedback from Jean Parry-Hill on the Marjol Anthracite Mining Expert work request. She has asked that we specify, if we can, the documents we want the expert to look at and comment on. Also, in order to keep tabs on the contractor we should come up with some type of schedule of when we want a progress report or draft report. Can you help me with this?

For #1 - I believe that would be the PADEP letter. I need to find it to get the exact date. For #2, do you have anything specific in mind? For #3 - the documents are obvious. Do you think we should also ask him to comments on PA's rebuttal?

"We request that the assistance take the form of a letter report discussing and providing an opinion on:

- 1. The subsurface geological features and their potential effect on the USEPA's proposed final remedy for the site. Specifically, the validity of calculations developed and used by BAMR concerning the potential for and estimating the amount of subsidence that can be expected at the Marjol site;
- 2. The geological considerations Throop's contractor Gannett Fleming used to oppose the USEPA's final remedy; and
- 3. The validity and persuasiveness of a draft report on possible subsidence at the site

provided to this office by lawyers for the Borough of Throop and the rebuttal provided by Gould."

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Marjol - RA meeting with Throop Borough postponed

Mary Boyer to: Maureen Essenthier, Gary Greening

09/19/2002 02:46 PM

Cc: Mary Boyer, Rosa Rivera, Paul Gotthold, Kenneth Kryszczun, Stephen Schanamann

From: Mary Boyer/R4/USEPA/US

To: Maureen Essenthier/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA,

Cc: Mary Boyer/R4/USEPA/US@EPA, Rosa Rivera/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Kenneth Kryszczun/R3/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Nov 8th is the Friday before the weekend. I have a non-refundable ticket. If you want me to attend, confer with me before you reschedule this week's meeting.

Sent by EPA Wireless E-Mail Services.



Marjol Battery Site Visit

Stephen Schanamann to: Gary Greening

08/30/2002 03:58 PM

From: To: Stephen Schanamann/OIG/USEPA/US Gary Greening/OIG/USEPA/US@EPA,

Gary,

Since I tentatively set up the site visit to Marjol, Peggy has made some either changes or has wishes she did not mention to me earlier, I don't know which. I had originally planned with the site manager to go up myself on Monday 9/16, meet with regional staff that afternoon, stay overnight in Philly, then go with them to the site on Tuesday, returning to Philly that afternoon/evening and returning home afterward that same day.

Peggy has made some contacts with regional staff about meeting with the public or Throop town reps. that may take place on Thursday 9/19 or Friday 9/20 and had sent an e-mail asking that multiple people from the Ombudsman's office (you, me, Peggy, ?) be invited to the meeting(s). I did not know about this intention when I made the original plans. Further, I have conflicts on Thursday and am off Friday, so I am available basically Monday and Tuesday as I had originally planned.

I am not sure who, if anyone, wants to come on the site visit from your office. I would welcome the chance to discuss how you want to handle the visit and how I can best help. Please call me (566-2587) if you have time Tuesday.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..."



Marjol Response from Region 3 . . .

Gary Greening to: Paul Mckechnie

Sent by:

From: Gary Greening/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US,

Paul,

I left you a voicemail message in Boston, (b) (6)
, perhaps you can give me a call to discuss what we would consider an acceptable response to the Marjol report. If you are here in DC, stop by because I have two voicemails from Region 3 I'd like you to hear.

Here are our recommendations from the Marjol report to refresh your memory:

"We recommend that the Regional Administrator, Region 3:

- 1. Calculate the surface strains from any expected subsidence and design, and implement the cap to meet or exceed those calculations to make a more reliable cap, since we believe this will improve the final remedy at the Site.
- 2. Work with Gould, PADEP, and the Borough of Throop to reach agreement on the method, such as borehole drilling, to properly address the safety issue of potential mine-fire hazard associated with the Top Split Four Foot and Top Four Foot Coal seams on the Marjol site."

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Released via FOIA EPA-HQ-2014-006463

Page 194 of 299 (Set 1 of 3)

07/26/2004 01:36 PM



Fw: Issuance of the Ombudsman Review of the Marjol Battery Site

Gary Greening to: Maureen Essenthier, Yvette Hamilton 05/19/2004 09:22 AM

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Yvette Hamilton/R3/USEPA/US,

Throop has been notified.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 05/19/2004 09:21 AM -----

Paul Mckechnie To: throopboro@adelphia.net

05/19/2004 09:13 AM cc: Gary Greening/OIG/USEPA/US@EPA

Subject: Issuance of the Ombudsman Review of the Marjol Battery Site

Please be advised that the subject report has been issued and may be viewed on the Environmental Protection Agency, Office of Inspector General Internet site listed below.

http://epa.gov/oig/ The report is listed under "Hot Topics"

Should you encounter an difficulty in retrieving the report, please contact me at mckechnie.paul@epa.gov or (617)918-1471.



Re: Marjol - (b) (6) Phone Numbers Gary Greening to: Paul Mckechnie

Sent by:

Cc: Nancy Long

From: Gary Greening/OIG/USEPA/US

To: Paul Mckechnie/R1/USEPA/US@EPA,
Cc: Nancy Long/OIG/USEPA/US@EPA

(b) (6)

Throop Borough Office - (570) 489-8311

Nancy Long



Nancy Long 04/21/2004 02:28 PM To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA Subject: Re: Marjol --region's response

Gary, I did have the conversation. Eileen does not want to send the letter but thinks Paul should have an informal conversation with Ms. (b) (6) (sp?). If our impression of the consensus at the meeting is in error then there is no point to the recommendation.

Paul, let's talk about this when you are in town next week so we can move forward. Gary Greening



Gary Greening To: Nancy Long/OIG/USEPA/US@EPA

04/21/2004 01:59 PM

Subject: Re: Marjol --region's response

Nancy,

Have you had your conversation with Eileen yet? Any news to report?

Thanks - Gary

Nancy Long



Nancy Long 04/15/2004 03:48 PM To: Stephen Schanamann/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA

Subject: Re: Marjol --region's response

Just spoke with Paul. We agreed that I would discuss this matter with Eileen next week in Paul's absence to determine if she wants us to do anything further, either by letter or telephone. I will let you know next week after we have that conversation.

04/21/2004 02:48 PM



Re: Marjol Meeting in Wilkes Barre-UPDATE 🗎

Gary Greening to: Eileen McMahon

Sent by:

Cc: Paul Mckechnie, Stephen Schanamann

From: Gary Greening/OIG/USEPA/US
To: Eileen McMahon/OIG/USEPA/US,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

In a nice way, kindly let Kanjorski know that our expert is a contractor, too, and also an associate professor at West Virginia University who took time out of his schedule to make himself available for Monday's planned meeting. He cannot, at the drop of a hat, attend at meeting that is scheduled at the last minute. In addition, I have spent parts of the past three days working with Jean Parry-Hill to ensure we are using the proper contracting vehicle and funding is in place to allow Dr. Heasley to attend this meeting.

I'll be anxiously awaiting word at 1:30 p.m. - Gary

Eileen McMahon



Eileen McMahon 02/06/2004 09:53 AM

To: Paul Mckechnie/R1/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: Marjol Meeting in Wilkes Barre-UPDATE

I have spoken to Congressman Kanjorski's office again this morning, and they still don't know if Gannet/Fleming (the technical advisors to Throop) will be able to meet on Monday. I told they that we made a commitment to the Congressman to meet with Throop's technical folks, and we will meet that commitment, but if we could not get definitive confirmation of Gannet/Fleming's participation by 1:00PM today, we would have to reschedule the meeting for another time when they could be available. I will let you know by 1:30 PM today, at the latest, whether the meeting on Monday is on or off.

thanks-Eileen 02/06/2004 10:03 AM



Meeting for Marjol Battery Site Gary Greening to: Keith Heasley Sent by:

01/29/2004 10:39 AM

From: Gary Greening/OIG/USEPA/US

To: Keith Heasley <Keith.Heasley@mail.wvu.edu>,

Hello Dr. Heasley,

Thank you, I received the documents you had shipped back to me. Well, yesterday, my boss, Paul McKechnie met with US Representative Paul Kanjorski (D-PA) on the Marjol site which is in his district. Before we issue our report which basically transmits your report to Region 3 in Philadelphia, he would like to sit down with you, the OIG, Region 3 and Throop and discuss situation. He was not clear on where he would like to do this, as he mentioned Scranton, Philadelphia or here in DC. He did say the afternoon of February 9th. Obviously we would pay your time and travel expenses for this meeting, but of more immediate concern is your availability. If the 9th is not good, taking into account your academic schedule, what would be a good day for you?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Marjol - Documents and schedule for work request Gary Greening to: Stephen Schanamann



03/12/2003 02:37 PM

Gary Greening/OIG/USEPA/US From:

Sent by:

To: Stephen Schanamann/OIG/USEPA/US,

Thank you - yes, I got back a copy of the stuff you had. I thought is was a pretty nasty rebuttal, but like you said, appears to be valid. Thanks for the other input. Good luck with the move, where are you going? As long as I have a chair, desk, computer and pay check, I am happy!

Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Stephen Schanamann



Stephen Schanamann

To: Gary Greening/OIG/USEPA/US@EPA

03/12/2003 01:30 PM

CC:

Subject: Re: Marjol - Documents and schedule for work request



Gary,

Hope your move was not too painful. I am boxing this afternoon, and will be out of pocket or away at

3/24. I put the report rebuttal in your mail box. The authors were a bit pissed that the lawyer brought the matter up at all, but their reasons appear valid. This also should be looked at by the expert, probably for questions #1 and #2.

As to #2, I had in mind the copy of the draft report we received. It has calculations concerning subsidence in it. For #1, I concur in use of the PA memo which states that subsidence was estimated at about 2 feet overall, and mentions calculations produced for areas where school construction was being contemplated.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening To: Stephen Schanamann/OIG/USEPA/US@EPA

03/12/2003 11:10 AM

Subject: Marjol - Documents and schedule for work request

Steve.

I received feedback from Jean Parry-Hill on the Marjol Anthracite Mining Expert work request. She has asked that we specify, <u>if we can</u>, the documents we want the expert to look at and comment on. Also, in order to keep tabs on the contractor we should come up with some type of schedule of when we want a progress report or draft report. Can you help me with this?

For #1 - I believe that would be the PADEP letter. I need to find it to get the exact date. For #2, do you have anything specific in mind? For #3 - the documents are obvious. Do you think we should also ask him to comments on PA's rebuttal?

"We request that the assistance take the form of a letter report discussing and providing an opinion on:

- 1. The subsurface geological features and their potential effect on the USEPA's proposed final remedy for the site. Specifically, the validity of calculations developed and used by BAMR concerning the potential for and estimating the amount of subsidence that can be expected at the Marjol site;
- 2. The geological considerations Throop's contractor Gannett Fleming used to oppose the USEPA's final remedy; and
- 3. The validity and persuasiveness of a draft report on possible subsidence at the site provided to this office by lawyers for the Borough of Throop and the rebuttal provided by Gould ."

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Marjol Work Request for Anthracite Expert . . .

Gary Greening to: Jean Parry-Hill

Sent by:

Cc: Mary Boyer, Stephen Schanamann

From: Gary Greening/OIG/USEPA/US
To: Jean Parry-Hill/OIG/USEPA/US,

Cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Jean,

I tried to incorporate all your comments. Please review and let me know if you need anything else. I have copies of the specific documents referenced in the work request on my desk.



work request anthracite.doc

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

03/17/2003 11:10 AM



Marjol Work Request . . .

Gary Greening to: Jean Parry-Hill

Sent by:

Cc: Stephen Schanamann, Rick Linthurst

From: Gary Greening/OIG/USEPA/US
To: Jean Parry-Hill/OIG/USEPA/US,

Cc: Stephen Schanamann/OIG/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA

Jean,

See if this is OK. Peggy said that if you need an additional point of contact identified in addition to Rick Linthurst, that Steve should be identified as such. Also, both Steve and I will provide assistance to Rick.



work request anthracite.doc

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

03/11/2003 03:50 PM



Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues | Gary Greening to: Stephen Schanamann



09/09/2002 01:46 PM

Sent by:

Gary Greening/OIG/USEPA/US From:

Stephen Schanamann/OIG/USEPA/US, To:

That sounds good! I'm on the 8:09 out of New Carrollton, that gets into Philly at 9:37. Where would you like to meet? Train Station? Hotel? Office?

Thanks - Gary

Stephen Schanamann



Stephen Schanamann 09/09/2002 01:25 PM

To: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues



Gary,

I have made my reservations for the Phily/Throop trip. Sato says Amtrak is phasing metroliners out. My train leaves Union station at 9:00 and arrives in Philadelphia at 10:40. I have a reservation for Monday and Tuesday night at the Residence In City Center at 1Penn Square. As it stands, I have a train reservation back for Wednesday afternoon.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..."



Re: Marjol 🗎

Gary Greening to: Kenneth Kryszczun

Sent by:

Cc: Yvette Hamilton

Gary Greening/OIG/USEPA/US From: To: Kenneth Kryszczun/R3/USEPA/US, Cc: Yvette Hamilton/R3/USEPA/US@EPA

OK, fine by me. I'm leaving today at 4:15 p.m. and I'll be in tomorrow, Thursday, from 7:00 a.m. to 4:30 p.m.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Kenneth Kryszczun

10/16/2002 03:48 PM

Kenneth Kryszczun

To: Gary Greening/OIG/USEPA/US@EPA cc: Yvette Hamilton/R3/USEPA/US@EPA

Subject: Marjol

Gary, this is a heads up. Yvette Hamilton may call you this week to discuss the Marjol site. Yvette works in our Regional Counsel's office on the Marjol site and she asked me if it would be alright if she called you to discuss her views on where the project stands, and possibly arrangements for the upcoming meeting with Throop. I said it was fine by me. Yvette's been with this project for a long time and her views may be helpful to you.

Ken

10/16/2002 04:05 PM



Marjol cleanup one step closer

Gary Greening to: Paul Mckechnie, Stephen Schanamann

01/17/2006 02:37 PM

From: Gary Greening/OIG/USEPA/US

To: Paul Mckechnie/R1/USEPA/US, Stephen Schanamann/OIG/USEPA/US,

Still near and dear to my heart . . .

http://www.thetimes-tribune.com/site/news.cfm?newsid=15942325&BRD=2185&PAG=461&dept_id=416046&rfi=6

The Times-Tribune

01/17/2006

Marjol cleanup one step closer

BY CHRIS BIRK STAFF WRITER

THROOP — A final plan for cleaning the Marjol Battery site could be in hand this spring, according to federal environmental officials negotiating a mutual consent order with property owner Gould Electronics Inc.

The Environmental Protection Agency in December sent a consent order and agreement to the Ohio company, more than a year after an agency ombudsman approved a plan for remediation. The two are expected to finish hashing out the details by early March, then solidify the cleanup measures in a final over-arching order.

The EPA's cleanup plan calls for the on-site capping of soil and waste material contaminated by decades of lead pollution. Environmental cleanup crews will remove contaminated soil from areas subject to mine subsidence, but the rest is expected to fit under an impermeable cap and include a system designed to keep contaminants out of the Lackawanna River watershed.

The environmental agency has claimed that capping the contaminated site would be the safest and most economical cleanup method.

That plan has met continuously with rebukes from borough officials and residents, who have called for the full removal of tainted soil. Lead is present in about 372,000 cubic yards of soil, battery-casing material and debris at the site.

The EPA and Gould have agreed to address potential subsidence and mine fire hazards at the 44-acre Superfund site, home for 18 years to a battery-processing facility that polluted soil and groundwater with lead, said EPA spokeswoman Donna Heron.

The additions were part of the final Ombudsman Review Report issued in May 2004. The report recommends that EPA implement a cap that meets or exceeds the strains of any subsidence, as well as study the fire potential using methods — such as borehole drilling — that DEP, Gould and Throop can agree upon.

A public meeting would come after the two entities finalize the cleanup plan, said Ms. Heron.

On-site work would follow.

The first steps would include designing a cap to withstand maximum subsidence potential and testing to gauge the mine fire potential.

"As soon as we finish the negotiations and nail down all the specifics, we will begin the implementation," she said.

According to the EPA, any contaminated soil that doesn't fit beneath the cap would be removed. But preliminary estimates indicate Gould may get everything covered, said James F. Cronmiller, Gould's director of corporate environmental affairs.

He said additional scientific sampling will determine the limits.

"It's all very preliminary right now," said Mr. Cronmiller, whose company bought the site in May 1980 and halted plant operations two years later.

Some in Throop remain skeptical. Borough officials and some residents have long maintained that creating an impermeable cap is a cheap shortcut that still presents a health risk. Earlier cleanup estimates have placed the capping cost at no more than \$25 million, while the full removal of contaminated soil would cost about \$85 million.

Council president Thomas Lukasewicz said Gould and the EPA are putting the scientific cart before the horse in implementing a cleanup plan first, then gathering data on the subsidence and fire possibilities. He wants to see those major issues factored into the overall decision regarding remediation at Marjol.

"Our representatives are very concerned that there's things that might be found that should dictate changes in the final remedy," Mr. Lukasewicz said of the borough's environmental consultant, Gannett Fleming. "They should have done the work before they tried to implement anything. It's been 15 years we've been dealing with this -- why try to move things quickly at this juncture?"

Mr. Cronmiller said Gould would address changes when, and if, they arise.

"If there has to be a change, there has to be a change," he said.

Contact the writer: cbirk@timesshamrock.com

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Re: Draft Report Ombudsman Review of the Marjol Battery Site, Throop,

Pennsylvania

Paul Gotthold to: Paul Mckechnie

03/09/2004 04:11 PM

Donald Welsh, Gary Greening, Gregg Crystall, Maureen Essenthier,

Cc: Stephen Schanamann, Tom Voltaggio, William Early, Yvette

Hamilton

From: Paul Gotthold/R3/USEPA/US

To: Paul Mckechnie/R1/USEPA/US@EPA,

Cc: Donald Welsh/R3/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, Gregg

Crystall/R3/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William

thanks, Paul. and thanks to Gary and Steve for their patience and hard work.

Paul Gotthold PA Operations, WCMD 215-814-3410 gotthold.paul@epa.gov



Re: Meeting for Marjol Battery Site Keith Heasley to: Gary Greening

01/29/2004 11:11 AM

From: To: Keith Heasley <Keith.Heasley@mail.wvu.edu> Gary Greening/OIG/USEPA/US@EPA,

Gary;

I can make it on the 9th to any of the locations you mentioned.

Keith

>>> < Greening. Gary@epamail.epa.gov> 1/29/2004 10:39:57 AM >>>

Hello Dr. Heasley,

Thank you, I received the documents you had shipped back to me.

Well, yesterday, my boss, Paul McKechnie met with US Representative Paul

Kanjorski (D-PA) on the Marjol site which is in his district. Before we

issue our report which basically transmits your report to Region 3 in

Philadelphia, he would like to sit down with you, the OIG, Region 3 and

Throop and discuss situation. He was not clear on where he would like

to do this, as he mentioned Scranton, Philadelphia or here in DC. He

did say the afternoon of February 9th. Obviously we would pay your time

and travel expenses for this meeting, but of more immediate concern is

your availability. If the 9th is not good, taking into account your academic schedule, what would be a good day for you?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Penn! sylvania Ave, NW
Room 2110E - Mailcode 2423T

Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Marjol Ombudsman's Report Gary Greening to: Stephen Schanamann Sent by:

05/13/2004 09:48 AM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

Steve - your thoughts?

----- Forwarded by Gary Greening/OIG/USEPA/US on 05/13/2004 09:48 AM -----



Gary Greening 05/12/2004 03:15 PM To: Maureen Essenthier/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol Ombudsman's Report

Paul has the final say as to what goes into the final report, but here are my quick thoughts on the issue.

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Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110É - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 05/12/2004 02:09 PM To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA,

James Burke/R3/USEPA/US@EPA, Yvette

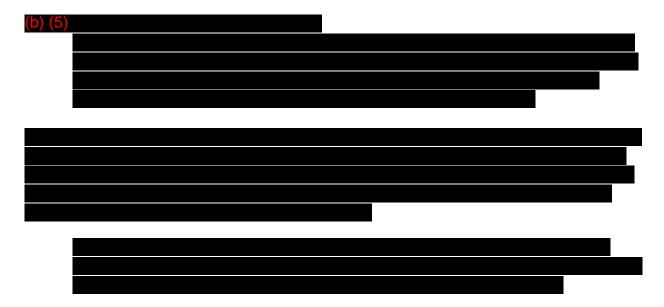
Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA

Subject: Marjol Ombudsman's Report

Gary,

Thank you for the opportunity to discuss the final Ombudsman's report yesterday. As we discussed, you believe that additional investigation is advisable to relieve community concerns over a possible mine-fire hazard at the site. The recommendation for additional investigation in the draft Ombudsman's report, however, is too narrow to capture this goal.





Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Draft Final Report - Marjol Battery Site - Throop, PA

Gary Greening to: Paul Mckechnie Sent by:

03/08/2004 02:58 PM

From: Gary Greening/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US,

Paul,

On December 10, 2003, I sent Cronmiller the following e-mail in response to his request for a status update. He is now asking for another update. Would you like me to respond?

----Original Message----

From: Greening.Gary@epamail.epa.gov [mailto:Greening.Gary@epamail.epa.gov]

Sent: Wednesday, December 10, 2003 1:41 PM

To: Cronmiller, James

Subject: Re: Ombudsman's Final Report - Marjol Battery Site

Mr. Cronmiller,

As you may recall, the EPA-OIG contracted with an Anthracite Mining expert, Dr. Heasley, back in June/July of this year. He performed his site visit and I think you even met him there.

Dr. Heasley provided our office with the first draft copy of his report on September 9th, 2003. I had read the report and had a couple of questions/clarifications for Dr. Heasley. However, two OIG technical/scientific staff that needed to review the report had been out of the office on other business for a couple of weeks. Once they had a chance to review Dr. Heasley's report, we sent back one set of consolidated comments/questions/clarifications to Dr. Heasley.

Dr. Heasley addressed our issues and provided us with his final report at the end of October. Again, I had to coordinate with the 2 other reviewers to ensure all our comments were addressed satisfactorily in his final submission.

At this time, we do not foresee any further investigation activities by our office. We plan to issue our final report to the Region which will incorporate Dr. Heasley's report. Of course we will first issue a draft report for comment by the Region and then issue a final report incorporating any comments the Region may have. I really had hoped and planned to issue that draft report by the middle of December, however, we had an OIG-wide mandatory week of training and then the holidays are coming up at the end of the month. We will get it out as soon as possible.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

---- Forwarded by Gary Greening/OIG/USEPA/US on 03/08/2004 02:53 PM -----



"Cronmiller, James" <JCronmiller@gouldele ctronics.com>

To: Gary Greening/OIG/USEPA/US@EPA

CC:

Subject: Draft Final Report - Marjol Battery Site - Throop, PA

03/08/2004 02:50 PM

Gary,

Four weeks ago, it was promised that the draft Final Report was to be released to the EPA, Region 3, in a couple of weeks. I have not heard if it has been released. Do you know the status? Also, what is your schedule for making the Final Report public?

Jim Cronmiller

Gould Electronics

34929 Curtis Blvd

Eastlake, OH 44095

Tel: 440-953-5044

Fax: 440-953-5008

Email: jcronmiller@gould.com



Re: Marjol Site Drilling
Gary Greening to: Keith Heasley

Sent by:

Cc: jkowalski, Rick Linthurst

From: Gary Greening/OIG/USEPA/US

To: Keith Heasley <Keith.Heasley@mail.wvu.edu>,

Cc: jkowalski@aarcherinc.com, Rick Linthurst/RTP/USEPA/US@EPA

Oh, we are surviving, but barely. To make a very long story short, we learned after the meeting Region 3 was not going to work with Gould and Throop to drill more boreholes, so we redrafted our report recommending this. It should go out sometime this week or early next. Once it does I'll send you a copy FYI.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Keith Heasley < Keith. Heasley @mail.wvu.edu>



Keith Heasley <Keith.Heasley@mail.w vu.edu>

03/04/2004 12:52 PM

To: Gary Greening/OIG/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA

cc: jkowalski@aarcherinc.com

Subject: Marjol Site Drilling

Gary, Rick;

I hope everything is going well after the meeting with Congressman Kanjorski.

I was thinking about the drilling of additional holes looking for openings in the coal seams at the Marjol site, and I was recently talking to some geophysical companies about some other things.

If it is decided to drill additional holes, you should definitely consider using some down-hole geophysics. With down hole, ground penetrating radar, you can see some 25 to 75 ft into the surrounding coal looking for openings. If you use some kind of crosshole radar or seismics, you can see some 500 to 1000 feet between the drillholes. Thus, with a few drillholes you can investigate a considerable amount of the seam, as opposed to just the diameter of the borehole with simple drilling.

I talked to Maureen Essenthier to see if any of the old holes are open and could be used for

03/04/2004 01:47 PM

geophysical methods. She says that some of the monitoring wells are still open, but they are cased. These might be amenable to some type of geophysical sensing technique without drilling any more holes. I am looking into it.

If you are interesting in pursuing any of these geophysical techniques, let me know, and I will see what additional details I can put together.

Keith

Dr. Keith A. Heasley, PE
Associate Professor
Department of Mining Engineering
West Virginia University
359A Mineral Resources Building
PO Box 6070
365 Evansdale Dr.
Morgantown WV 26506-6070
keith.heasley@mail.wvu.edu
(304) 293-7680 x3307
FAX (304) 293-5708



Re: Meeting for Marjol Battery Site Gary Greening to: Paul Mckechnie

Sent by:

Greening to: Paul Mckechnie 01/29/2004 11:31 AM by:

From: Gary Greening/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US,

Paul,

Dr. Heasley is available on the 9th. How do we go about paying him for his time and travel expenses? I used to deal with Jean Parry-Hill but she is not here now.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

---- Forwarded by Gary Greening/OIG/USEPA/US on 01/29/2004 11:18 AM -----



Keith Heasley <Keith.Heasley@mail.w vu.edu> To: Gary Greening/OIG/USEPA/US@EPA

CC:

Subject: Re: Meeting for Marjol Battery Site

01/29/2004 11:10 AM

Gary;

I can make it on the 9th to any of the locations you mentioned.

Keith

>>> < Greening. Gary@epamail.epa.gov> 1/29/2004 10:39:57 AM >>>

Hello Dr. Heasley,

Thank you, I received the documents you had shipped back to me. Well, yesterday, my boss, Paul McKechnie met with US Representative Paul Kanjorski (D-PA) on the Marjol site which is in his district. Before we issue our report which basically transmits your report to Region 3 in Philadelphia, he would like to sit down with you, the OIG, Region 3 and Throop and discuss situation. He was not clear on where he would like to do this, as he mentioned Scranton, Philadelphia or here in DC. He

did say the afternoon of February 9th. Obviously we would pay your time and travel expenses for this meeting, but of more immediate concern is your availability. If the 9th is not good, taking into account your academic schedule, what would be a good day for you?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Penn! sylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Status of Marjol Investigation

Gary Greening to: Yvette Hamilton

Sent by:

Diane Ajl, Neil Wise, Tom Voltaggio, William Early, Rick

Cc: Linthurst, Paul Mckechnie, Stephen Schanamann, Maureen

Essenthier, Eileen McMahon

From: Gary Greening/OIG/USEPA/US
To: Yvette Hamilton/R3/USEPA/US,

Cc: Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/ŪS@EPA, Rick Linthurst/RTP/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Yvette,

As you may know, I was out of the office all last week. But to bring you up to date, this is what I know as of Sunday evening, July 6, 2003. The OIG's contracted Anthracite Mining Expert (Dr. Keith Heasley) has started to review the technical reports and will be putting in a request to us for more information to expedite his review. I do know he plans to perform a site visit, but I do not have a date.

While I was out on personal travel last week, I was in the Scranton, PA area on July 3rd. At the top of the news on WYOU Channel 22 was a news story about US Representative Kanjorski holding a "town meeting" with the citizens of Throop on the Marjol Battery Site. Do you know what came of that meeting? Did Rep. Kanjorski ask the EPA for any data? Please let me know if his involvement has prompted any action on the part of Region 3. Also, I do know that Susan Shortz, a member of the original CRC, received the most votes in the primary election for Throop Borough Council. The general election will be held in November.

Finally, I leave for Denver on another Ombudsman case on Tuesday, July 8 and will not be in the office until Monday, July 14.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA

Subject: Status of Marjol Investigation

Good morning Gary,

Would you please provide us the status of the Marjol investigation? Has there been any new developments that we should be aware of? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel 07/06/2003 08:23 PM

Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603



Marjol

Gary Greening to: Stephen Schanamann Sent by:

02/27/2003 01:41 PM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

I am free either week. I do not have a preference. What about you?

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/27/2003 01:40 PM -----



Mary Boyer/R4/USEPA/US@

To: Gary Greening/OIG/USEPA/US@EPA

CC:

PA Subject: Marjol

02/27/2003 01:33 PM

I think I am free the 2nd and 4th week of march. When do you want to go to Throop?

Sent by EPA Wireless E-Mail Services.

Released via FOIA EPA-HQ-2014-006463



Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues |



09/09/2002 02:46 PM

Sent by:

Gary Greening/OIG/USEPA/US From:

To: Stephen Schanamann/OIG/USEPA/US,

Great, sounds like a plan! Now, for the site visit on Tuesday, I am assuming the appropriate attire is jeans and work boots?

Stephen Schanamann



Stephen Schanamann 09/09/2002 02:41 PM

To: Gary Greening/OIG/USEPA/US@EPA

CC:

Gary Greening to: Stephen Schanamann

Subject: Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues . . . 🛅



The hotel would probably be a better place for you to wait than the train station. We can at least store our bags if it's too early to check in right away. We could go to the regional office from the hotel. How is that for you?

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening

To: Stephen Schanamann/OIG/USEPA/US@EPA

09/09/2002 01:46 PM

Subject: Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues



That sounds good! I'm on the 8:09 out of New Carrollton, that gets into Philly at 9:37. Where would you like to meet? Train Station? Hotel? Office?

Thanks - Gary

Stephen Schanamann



Stephen Schanamann

To: Gary Greening/OIG/USEPA/US@EPA

09/09/2002 01:25 PM

Subject: Re: OIG Ombudsman To Start Reviewing Marjol Battery Issues . . . 🛅



Gary,

I have made my reservations for the Phily/Throop trip. Sato says Amtrak is phasing metroliners out. My train leaves Union station at 9:00 and arrives in Philadelphia at 10:40. I have a reservation for Monday and Tuesday night at the Residence In City Center at 1Penn Square. As it stands, I have a train reservation back for Wednesday afternoon.

| Rev. 7:3 "Do not harm the earth, the sea, or the trees" | | | | |
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Shattuck vs. Marjol

Gary Greening to: Maureen Essenthier

Sent by:

Cc: Paul Gotthold

From: Gary Greening/OIG/USEPA/US
To: Maureen Essenthier/R3/USEPA/US,
Cc: Paul Gotthold/R3/USEPA/US@EPA

Maureen,

Has anyone from the Throop Borough, the citizens or Gannett Flemming mentioned Shattuck and how Region 8 reversed themselves after the 5 year review found the concrete monolith could fail? If so, what was Region 3's response? I guess the other part of my question is what were the "site specific deficiencies" at Shattuck and why is the proposed cap for Marjol better than what they did at Shattuck?

SHATTUCK BACKGROUND:

The Shattuck Chemical site operated in the Denver metro area from 1917 until 1984, processing various minerals for their content of uranium, radium and other radionuclides. The 1992 ROD for this site included as part of the remedy, on-site stabilization and solidification in the form of a concrete monolith (they mixed fly ash and radioactive materials with concrete and covered it with a clay and rock cap). In a five-year review of the site contracted by EPA, investigators from an independent firm, S. Cohen and Assoc. (Maclean, VA) found "..site-specific deficiencies in the monolith cover design, the structural and chemical integrity of the monolith, and in the monolith's compliance program". On June 16, 2000, EPA issued a ROD amendment deciding to move the radioactive waste to an off-site licensed disposal facility.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Released via FOIA EPA-HQ-2014-006463

Page 225 of 299 (Set 1 of 3)

10/25/2002 02:31 PM



Re: DRAFT Marjol Timeline and Site History Gary Greening to: Kenneth Kryszczun, Maureen Essenthier

09/09/2002 09:03 AM

Sent by:

Cc: Stephen Schanamann

Gary Greening/OIG/USEPA/US From:

To: Kenneth Kryszczun/R3/USEPA/US, Maureen Essenthier/R3/USEPA/US,

Cc: Stephen Schanamann/OIG/USEPA/US@EPA

Ken / Maureen,

Attached is a document I prepared based on my review of the voluminous papers in the 16 boxes left by the former Ombudsman. It is a DRAFT and to be used ONLY by me internally in briefing my management. However, if you have a chance, I would like to know how accurate it is and if there are any holes. If the pre-site briefing on the 16th is going to cover this, then I can wait until that time so don't go spending additional time reviewing this.



Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: DRAFT Marjol Timeline and Site History



09/10/2002 06:56 AM

Gary Greening to: Kenneth Kryszczun Sent by:

Gary Greening/OIG/USEPA/US From: Kenneth Kryszczun/R3/USEPA/US, To:

Ken - Thank you very much and I will make those corrections/additions.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Kenneth Kryszczun



Kenneth Kryszczun

09/09/2002 04:29 PM

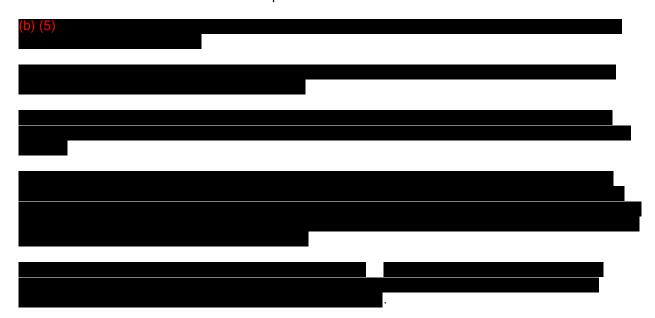
To: Gary Greening/OIG/USEPA/US@EPA

cc: Maureen Essenthier/R3/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: DRAFT Marjol Timeline and Site History

Gary, my comments on your write-up, since I won't be there next week. I'll only comment on those things which I started keeping a file on or about the Spring of 2000. Maureen can address the earlier items as well as any comments she may have on the later info. You should know that Maureen became the RPM for this site after most of these events took place.



Good Luck next week.

Ken

Gary Greening



Gary Greening 09/09/02 09:03 AM

To: Kenneth Kryszczun/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA

cc: Stephen Schanamann/OIG/USEPA/US@EPA
Subject: Re: DRAFT Marjol Timeline and Site History

Ken / Maureen,

Attached is a document I prepared based on my review of the voluminous papers in the 16 boxes left by the former Ombudsman. It is a DRAFT and to be used ONLY by me internally in briefing my management. However, if you have a chance, I would like to know how accurate it is and if there are any holes. If the pre-site briefing on the 16th is going to cover this, then I can wait until that time so don't go spending additional time reviewing this.



Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Final Report on Marjol 🗎

Eileen McMahon to: Paul Mckechnie

Cc: Nancy Long, Gary Greening, John Manibusan, Renee Whitlock

From: Eileen McMahon/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US@EPA,

Cc: Nancy Long/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA, John

Manibusan/OIG/USEPA/US@EPA, Renee Whitlock/OIG/USEPA/US@EPA

With these changes made, I am fine with the report to be signed out.

Paul- let us (Renee/John) know when you have signed it out. If you want to do an electronic distribution and we will follow with hard copies just be sure to coordinate with John prior to pushing the "send" button. The report should be in PDF, however, if we do an electronic distribution. Let me know what we can do on our end to facilitate.

Thanks for all the hard work, Gary.

Nancy Long



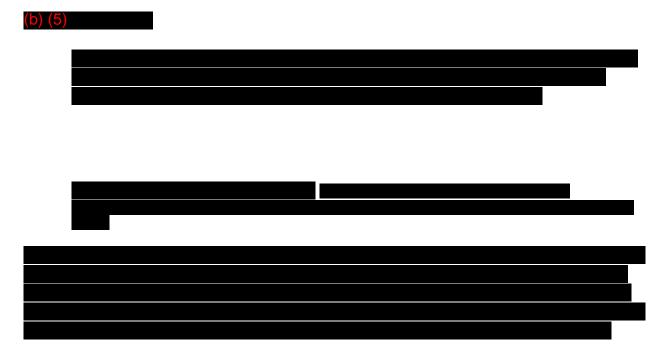
Nancy Long 05/14/2004 04:01 PM To: Paul Mckechnie/R1/USEPA/US@EPA

cc: Eileen McMahon/OIG/USEPA/US@EPA, Gary

Greening/OIG/USEPA/US@EPA

Subject: Re: Final Report on Marjol

Paul, After reading the region's e-mails to Gary, it seemed that they were willing to go further than we were requiring in the revised recommendation. I am suggesting revised recommendation language that would require that they must either do the boreholes or agree to another method satisfactory to everybody. This provides incentive for them to agree on something other than the boreholes rather than just working with the other parties to reach agreement. My concern is that they can claim victory if they merely work on something even if no agreement is ever reached.



05/17/2004 01:53 PM

Eileen, if you didn't focus on it, the report mentions that the Ombudsman review was at the request of Sen. Specter. While we don't refer to Kanjorski in our report, the agency response does.

Sorry I won't be around to discuss this on Monday. I'll be thinking of all of you. Nancy



Re: Documents from the Marjol Battery Site

Keith Heasley to: Gary Greening

From: Keith Heasley < Keith. Heasley @mail.wvu.edu>

To: Gary Greening/OIG/USEPA/US@EPA,

Gary;

It is good to hear that the project is moving along.

Yes, in general, I am available to assist in meeting with the agency and/or Throop Borough officials. We will have to see how the specific dates fit my schedule, and we will have to make arrangements for my services.

Keith

>>> <Greening.Gary@epamail.epa.gov> 01/22/04 11:44AM
>>>

Hello Keith!

Yes, thank you , please send those document to me. We are getting

ready to incorporate your report into our report to the Agency (EPA $\,$

Region 3). We are hoping to issue our report to the Agency in a week $\$

or so. Are you available to assist us in meeting with the Agency

and/or

Throop Borough officials to answer any questions they may have

specifically related to your report? Of course we would have to issue

some type of purchase order or something to contract for your services

since I believe the one you were working on for us has expired.

Thank you -

Gary R. Greening

USEPA - Office of Inspector General

1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T

Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Released via FOIA EPA-HQ-2014-006463

Page 231 of 299 (Set 1 of 3)

01/22/2004 01:20 PM

Keith Heasley

<Keith.Heasley@ma To:

Gary

Greening/OIG/USEPA/US@EPA

il.wvu.edu> cc:

cschwartz@aarcherinc.com,

jkowalski@aarcherinc.com, Rick Linthurst/RTP/USEPA/US@EPA

01/22/2004 11:35

Subject: Documents from the Marjol Battery Site

Gary;

I am preparing to send back the documents I received from you on the $\mbox{{\tt Marjol}}$ Battery Site.

I have not heard much since I revised and submitted the final report on the subsidence and fire hazard. I hope everything is going well.

If there is anything else that I can do, let me know.

Sincerely

Keith

Dr. Keith A. Heasley, PE
Associate Professor
Department of Mining Engineering
West Virginia University
359A Mineral Resources Building
PO Box 6070
365 Evansdale Dr.
Morgantown WV 26506-6070
keith.heasley@mail.wvu.edu
(304) 293-7680 x3307
FAX (304) 293-5708



Fw: Google News Alert - marjol
Gary Greening to: Maureen Essenthier

Sent by:

Bcc: greening.gary

From: Gary Greening/OIG/USEPA/US
To: Maureen Essenthier/R3/USEPA/US,

Bcc: greening.gary@epa.gov

Maureen.

What was your take on the meeting? How many people we there? Was Hugh Kaufman there? Gary



Marjol Battle Not Over Yet

Thursday, July 22, 2004

07/23/2004 08:34 AM

People who live in the Borough of Throop have been complaining about dangers at an old battery processing factory site for many years. A meeting at the local civic center tonight gave them another chance to vent their anger.

The Environmental Protection Agency believes it's safer to cover the lead contaminated area with a cap rather than removing the buried battery casings and chemicals from the community. Residents say undocumented mining under the site and the potential of a mine fire are reason enought to remove the contamination. A federal ombudsman has suggested digging additional boreholes to determine if the resident's fears are legitimate.

If they're dug and problems are discovered, the E.P.A. could change its mind about the capping proposal. The E.P.A. asked those in attendance if extra boreholes are drilled and the area is found to be safe undernear the property, if the citizens would then feel safer with the proposal to cap the old Marjol site. But many, including Mayor Stanley Lukowski, say the answer is no, "we know there's danger there. There's 30 some chemicals there. There's nuclear batteries buried there. how are they going to find it safe?"

The E.P.A. must now decide whether to recommend drilling those new bore holes, or go ahead with its plan to cap the site.

---- Forwarded by Gary Greening/OIG/USEPA/US on 07/23/2004 08:30 AM -----



newsalerts-noreply@google.c om

To Gary Greening/OIG/USEPA/US@EPA

07/23/2004 01:15 AM

CC

Subject Google News Alert - marjol



MARJOL Battle Not Over Yet WYOU - Wilkes-Barre, PA, USA

 \dots are drilled and the area is found to be safe undernear the property, if the citizens would then feel safer with the proposal to cap the old Marjol site. \dots

<http://www.wyou.com/news/default.asp?mode=shownews&id=3923>

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Re: Marjol --region's response 🗎



Gary Greening to: Nancy Long 04/15/2004 01:18 PM

Sent by:

Cc: Paul Mckechnie, Stephen Schanamann

Gary Greening/OIG/USEPA/US From: Nancy Long/OIG/USEPA/US, To:

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Yes, you brainstorming idea would be feasible and we can do that just as easily and get the report out all the faster. The only sticking point I see would be when we present this alternative to the Region a t the exit conference. They may ask why we didn't do that. I guess we could say that's not our job?

Nancy Long



Nancy Long 04/15/2004 01:10 PM To: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA cc: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: Marjol --region's response



SenteRechesta Material et al. Make Rechesta felle (Make Rechesta for the Physics of the Physics

Just to let you know, Gary and I spoke about the proposed letter to the Borough of Throop. I realize we are in a tough spot here and am not sure how best to proceed. I told Gary that we would get your opinion, Paul, before you go on leave and then we'll talk to Eileen next week. If she agrees on procedure, one of us can sign the letter out next week in your absence. That being said, does anyone have any ideas/suggestions about any other alternative we might have?

Brainstorming --- Would it be feasible to add some discussion to the report of the apparent lack of consensus and then condition the recommendation on the region's getting buy-in from the borough and if that is not forthcoming then we would say the region does not have to comply with the recommendation?



Re: Marjol Site Drilling Gary Greening to: Rick Linthurst Sent by:

03/04/2004 01:44 PM

From: Gary Greening/OIG/USEPA/US
To: Rick Linthurst/RTP/USEPA/US,

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Rick Linthurst



Rick Linthurst To: Gary Greening/OIG/USEPA/US@EPA

03/04/2004 01:28 PM C

Subject: Marjol Site Drilling

Are we still on this?

Rick A. Linthurst, Ph.D.
Senior Science/Systems Advisor
Office of the Inspector General
U.S. Environmental Protection Agency
MD: N283-01
Research Triangle Park, NC 27711

Phone: 919/541-4909

E-mail: linthurst.rick@epa.gov

Fax: 919/541-2504

----- Forwarded by Rick Linthurst/RTP/USEPA/US on 03/04/2004 01:28 PM -----



Keith Heasley <Keith.Heasley@mail.w vu.edu> To: Gary Greening/OIG/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA

LIIIIIIIISVKIPIUSEPAIUSU

cc: jkowalski@aarcherinc.com

Subject: Marjol Site Drilling

1

03/04/2004 12:52 PM

Gary, Rick;

I hope everything is going well after the meeting with Congressman Kanjorski.

I was thinking about the drilling of additional holes looking for openings in the coal seams at the Marjol site, and I was recently talking to some geophysical companies about some other things.

If it is decided to drill additional holes, you should definitely consider using some down-hole geophysics. With down hole, ground penetrating radar, you can see some 25 to 75 ft into the surrounding coal looking for openings. If you use some kind of crosshole radar or seismics, you can see some 500 to 1000 feet between the drillholes. Thus, with a few drillholes you can investigate a considerable amount of the seam, as opposed to just the diameter of the borehole with simple drilling.

I talked to Maureen Essenthier to see if any of the old holes are open and could be used for geophysical methods. She says that some of the monitoring wells are still open, but they are cased. These might be amenable to some type of geophysical sensing technique without drilling any more holes. I am looking into it.

If you are interesting in pursuing any of these geophysical techniques, let me know, and I will see what additional details I can put together.

Keith

Dr. Keith A. Heasley, PE
Associate Professor
Department of Mining Engineering
West Virginia University
359A Mineral Resources Building
PO Box 6070
365 Evansdale Dr.
Morgantown WV 26506-6070
keith.heasley@mail.wvu.edu
(304) 293-7680 x3307
FAX (304) 293-5708



Re: Marjol Battery review

Gary Greening to: Yvette Hamilton

Sent by:

Cc: Paul Mckechnie, Eileen McMahon

From: Gary Greening/OIG/USEPA/US
To: Yvette Hamilton/R3/USEPA/US,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Yvette.

Rep. Kanjorski requested that we not issue our draft report to the Region at this time. He would like to hold a meeting with the OIG, Dr. Heasley, Region 3, Throop Borough's technical expert, and (b) (6) (now on the Throop Borough Council) on February 9th. I hope to issue the report soon thereafter.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Yvette Hamilton To: Gary Greening/OIG/USEPA/US@EPA

01/29/2004 11:45 AM

Subject: Re: Marjol Battery review

Good morning Gary,

Thanks so much for the information. Yes, we will review the report thoroughly before commenting on the recommendation.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603 Gary Greening



Gary Greening To: Yvette Hamilton/R3/USEPA/US@EPA

01/28/2004 07:55 AM cc: Diane Ajl/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA,

William Early/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA,

Paul Mckechnie/R1/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol Battery review

Yvette.

01/30/2004 09:57 AM

The draft report has gone through the editor and we are reviewing his changes this week. Our hope is to issue the draft report to Region 3 for comment late this week or early next week, weather permitting.

Our Kanjorski briefing is scheduled for today. We do not plan to detail what is in our draft report other than we are in the process of issuing the draft very soon.

In brief, our draft report has one recommendation to the Region basically that deals with designing the cap to withstand calculated surface strains from any expected subsidence. Please wait until you see the draft report before commenting on that recommendation so you can see the background that goes into the recommendation and it is not taken out of context.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Yvette Hamilton

01/27/2004 03:03 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA,

Lydia Isales/R3/USEPA/US@EPA

Subject: Re: Marjol Battery review

Good afternoon Gary,

Has the draft report been commented upon by the Acting Ombudsman and is ready to send to Region 3?? Since your briefing with Rep. Kanjorski is looming, I imagine that you may not wish to discuss any of the contents of the draft report before the Region has had an opportunity to review and comment. Please advise as to where things are in the process. Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603 Gary Greening



Gary Greening

01/08/2004 11:19 AM

To: Maureen Essenthier/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA,

Joan Schafer/R3/USEPA/US@EPA, Maria

Vickers/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA,

Paul Gotthold/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA, Yvette Hamilton/R3/USEPA/US@EPA,

Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol Battery review

Maureen.

I provided the Acting Ombudsman, Paul McKechnie, with a draft of the draft report for his

review right before we both went on Christmas vacations. Paul plans to come to DC next week and we will discuss any comments/revisions he may have. Hopefully, soon thereafter, we will issue the draft report to the Region for review and comments. After we receive and incorporate any comments the Region may have, we will then issue a final report for distribution. I'd loved to have it final before your Kanjorski briefing, because it is really going to take Congressional backing to sell the unpopular position to the community that it is OK to leave the stuff buried there.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 01/08/2004 10:44 AM

To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Gotthold/R3/USEPA/US@EPA, Maria

Vickers/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA,

Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA,

Michael DAndrea/R3/USEPA/US@EPA, Joan

Schafer/R3/USEPA/US@EPA

Subject: Marjol Battery review

Gary,

The Regional office will brief Congressman Kanjorski on the Marjol project sometime in February. Do you have a date for release of the Ombudsman's final report or any other update on the Ombudsman's review?

Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Re: Documents from the Marjol Battery Site

01/22/2004 11:44 AM

Gary Greening to: Keith Heasley Sent by:

Cc: cschwartz, jkowalski, Rick Linthurst

Gary Greening/OIG/USEPA/US From:

To: Keith Heasley < Keith. Heasley @mail.wvu.edu>,

Cc: cschwartz@aarcherinc.com, jkowalski@aarcherinc.com, Rick Linthurst/RTP/USEPA/US@EPA

Hello Keith!

Yes, thank you, please send those document to me. We are getting ready to incorporate your report into our report to the Agency (EPA Region 3). We are hoping to issue our report to the Agency in a week or so. Are you available to assist us in meeting with the Agency and/or Throop Borough officials to answer any questions they may have specifically related to your report? Of course we would have to issue some type of purchase order or something to contract for your services since I believe the one you were working on for us has expired.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave. NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Keith Heasley < Keith. Heasley @mail.wvu.edu>



Keith Heasley <Keith.Heasley@mail.w vu.edu>

01/22/2004 11:35 AM

To: Gary Greening/OIG/USEPA/US@EPA

cc: cschwartz@aarcherinc.com, jkowalski@aarcherinc.com, Rick

Linthurst/RTP/USEPA/US@EPA

Subject: Documents from the Marjol Battery Site

Gary;

I am preparing to send back the documents I received from you on the Marjol Battery Site.

I have not heard much since I revised and submitted the final report on the subsidence and fire hazard. I hope everything is going well.

If there is anything else that I can do, let me know.

Sincerely

Keith

Dr. Keith A. Heasley, PE Associate Professor Department of Mining Engineering West Virginia University 359A Mineral Resources Building

PO Box 6070 365 Evansdale Dr. Morgantown WV 26506-6070 keith.heasley@mail.wvu.edu (304) 293-7680 x3307 FAX (304) 293-5708



Re: Status of Marjol Investigation



Gary Greening to: Yvette Hamilton

09/16/2003 08:06 AM

Sent by:

Diane Ail, Lydia Isales, Maureen Essenthier, Neil Wise, Paul Gotthold, Tom Voltaggio, William Early, Paul Mckechnie, Rick Cc:

Linthurst, Stephen Schanamann

Gary Greening/OIG/USEPA/US From: To: Yvette Hamilton/R3/USEPA/US,

Cc: Diane Ajl/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA, Maureen

> Essenthier/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William

Dr. Heasley provided our office with the first draft copy of his report on September 9th, 2003. I have read the report and have a couple of questions/clarifications for Dr. Heasley. However, two OIG technical/scientific staff that need to review the report have been out of the office on other business last week and the rest of this week. Once they have had a chance to review Dr. Heasley's report, we will get one set of consolidated comments/questions/clarifications to Dr. Heasley.

I can not comment further until the two OIG technical/scientific staff review the report and we have had a chance to talk.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Yvette Hamilton

09/15/2003 04:26 PM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Tom Voltaggio/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA,

Lydia Isales/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Good afternoon Gary,

Would you please provide us the current status of the Marjol Investigation? Have there been any developments since your last update of July 6, 2003. Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

----- Forwarded by Yvette Hamilton/R3/USEPA/US on 09/15/2003 04:00 PM -----



Gary Greening 07/06/2003 08:23 PM

To: Yvette Hamilton/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA Paul

Rick Linthurst/RTP/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Yvette.

As you may know, I was out of the office all last week. But to bring you up to date, this is what I know as of Sunday evening, July 6, 2003. The OIG's contracted Anthracite Mining Expert (Dr. Keith Heasley) has started to review the technical reports and will be putting in a request to us for more information to expedite his review. I do know he plans to perform a site visit, but I do not have a date.

While I was out on personal travel last week, I was in the Scranton, PA area on July 3rd. At the top of the news on WYOU Channel 22 was a news story about US Representative Kanjorski holding a "town meeting" with the citizens of Throop on the Marjol Battery Site. Do you know what came of that meeting? Did Rep. Kanjorski ask the EPA for any data? Please let me know if his involvement has prompted any action on the part of Region 3. Also, I do know that Susan Shortz, a member of the original CRC, received the most votes in the primary election for Throop Borough Council. The general election will be held in November.

Finally, I leave for Denver on another Ombudsman case on Tuesday, July 8 and will not be in the office until Monday, July 14.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



Yvette Hamilton

07/02/2003 11:37 AM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA

Subject: Status of Marjol Investigation

Good morning Gary,

Would you please provide us the status of the Marjol investigation? Has there been any new developments that we should be aware of? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636

Fax: (215) 814-2603



Need Anthracite Mining Expert . . .

Gary Greening to: Jean Parry-Hill

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Jean Parry-Hill/OIG/USEPA/US@EPA,

Jean,

Here are some more specific "wants" of what we need in an anthracite mining expert. This person can not have a personal or financial interests in Gould (the PRP), Advanced GeoServices Corporation (the PRP's contractor), GAI Consultants (subcontractor to Advanced GeoServices), or Gannett Fleming (Throop Borough's contractor).

I think that someone we use for Marjol consultation should be familiar with the following:

- 1. Shaft coal mining techniques as practiced in PA;
- 2. Federal and PA coal mining regs;
- 3. Directives/guidance issued by PA Bureau of Mine Reclamation, such as the formula they use for determining whether or not subsidence at a given site will impact surface construction at the site;
- 4. Hydrogeology as it pertains to the potential for groundwater pollution from mine seepage;
- 5. Mine engineering knowledge to be able to go over the "draft report" we received from the PRPs lawyer and determine for himself the validity of the calculations in the report;
- 6. Knowledge of or ability to seek out mine maps to determine whether or not all levels below the Marjol site have been accounted for in determining the potential for subsidence.

The consultant should have the ability and willingness to develop and communicate an expert opinion on the propriety of EPA"s proposed remedy for the site.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Jean

I work in the OIG's Ombudsman's office here in DC (room 2133). We need access to an Anthracite Mining Expert to review some reports, attend some meetings, and give us their recommendations. I was told you can help get access to one through one of the OIG's contract. Can you help me?

Thank you -Gary R. Greening USEPA - Office of Inspector General 02/03/2003 03:00 PM

1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



FINAL: Marjol Work Request for Anthracite Expert

Gary Greening to: Jean Parry-Hill

Sent by:

03/18/2003 11:05 AM

From: Gary Greening/OIG/USEPA/US
To: Jean Parry-Hill/OIG/USEPA/US,

Per conversation, the final . . .



WR #4 rev'd.doc

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Jean Parry-Hill



Jean Parry-Hill To: Gary Greening/OIG/USEPA/US@EPA

03/18/2003 09:08 AM

Subject: Re: Marjol Work Request for Anthracite Expert

Gary,

Thank you.

Per our last conversation, I've updated your document now with suggestions from my end (e.g., to expand the conflict of interest coverage, add provisions for confidentiality agreements, etc.). Pl note a 'fill in the blank' or two are included in the Work Request which I'd appreciate your input on, as well as some highlighted areas.

Jean

Jean Parry-Hill EPA/OIG/PAR 202-566-2647 FAX: 202-566-2660 Gary Greening



Gary Greening

To: Jean Parry-Hill/OIG/USEPA/US@EPA



03/17/2003 10:10 AM

cc: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA
Subject: Marjol Work Request for Anthracite Expert . . .

Jean,

I tried to incorporate all your comments. Please review and let me know if you need anything else. I have copies of the specific documents referenced in the work request on my desk.



work request anthracite.doc

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

(PLEASE NOTE THE NEW ROOM NUMBER AS OF 3/11/03)

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: DEP Bureau of Abandoned Mine Reclamation (BAMR) Memos on Mine Sub sidence and Mine Fires

Gary Greening to: Stephen Schanamann Sent by:

10/11/2002 02:26 PM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

Steve.

Robert called and we spoke a little about our trip to Throop. He was thinking about attempting to contact them but after what happened to us, he is having second thoughts. I talked to him a little bit about the permitting issues/illegal landfill from back in the '70s. He was aware of some of the citations I was talking about. His recollection of the PA regs at the time were written to control air releases not really to close down illegal landfills. It was not until the late '80s that the regs were strengthened so they could either get the landfill to come into compliance or close them down. I think the issue is moot anyway since RCRA was going to address the landfill and there is nothing we can do about what didn't happen in the '70s. He wanted to know if we wanted to have a face-to-face or conference call with BAMR. I told him I would

He is getting ready to write his report; the 3rd party look. His preliminary comments to me indicated that EPA may have even gone too far in the final remedy by including the 5ft concrete cap under the RCRA cap. He said based on all the data he has reviewed that the RCRA cap would suffice and that Gould may be taking EPA to court if they insist on the 5ft concrete cap. He said the PA has NOT signed off on the final remedy yet. Do you know if that is true?

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Stephen Schanamann



Stephen Schanamann 09/26/2002 01:46 PM To: "Lewis, Robert" <robelewis@state.pa.us> cc: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: DEP Bureau of Abandoned Mine Reclamation (BAMR) Memos on

Mine Sub sidence and Mine Fires

Hello Robert,

Thank you for sharing your expertise with us during our recent visit to the Marjol site. Also, the memos you sent concerning the work on the probable depth of subsidence expected at Marjol site from mine tunnel collapse have been extremely helpful. During our tour of the site, we discussed documentation of recent BAMR guidance concerning small (less than 1 foot) splits of coal seams. I understand BAMR has determined that, when a coal seam is less than 1 foot in depth, it does not represent a significant threat with respect to subsidence or chance of tunnel fires. You mentioned having seen a memo which discussed this determination. Since the EPA staff are relying on this State determination in planning for the final remedy at the Marjol site, we would much appreciate having a copy of the memo/document for our files. Would it be possible to e-mail this memo to me? If not, could you tell me who to contact to obtain a copy?

| Steve | Sch | nana | mann |
|---------|-----|------|------|
| · JIEVE | | | |

Rev. 7:3 "Do not harm the earth, the sea, or the trees..."



Marjol Matters . . .

Gary Greening to: Maureen Essenthier, Paul Gotthold Sent by:

09/30/2002 01:57 PM

From: Gary Greening/OIG/USEPA/US

To: Maureen Essenthier/R3/USEPA/US, Paul Gotthold/R3/USEPA/US,

Maureen / Paul,

After my office meets with the Throop officials next week, I am anticipating that I will need to review more of the Administrative Record and/or talk to some folks who worked on the Superfund Emergency Removal. Would this be possible the week of October 15? Also, did the Superfund Emergency Removal have an "Administrative Record" or was that made part of the RCRA Administrative Record? Thank you -

Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



New Information on Marjol . . .

Gary Greening to: Stephen Schanamann

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

sent to us by Throop's lawyer, Doug Blazey. He obtained the *DRAFT* Mine subsidence report prepared by GAI consultants for AGS (Gould's consultant's). Blazey notes, interestingly enough, that the draft report mentions the potential for a fissure on the southern portion of the property under the landfilled batteries, like the fissure we saw on the northern portion of the property. However, the final report mysteriously deletes this detail without explanation. They are going to present this on November 8. Would you like to read the documents now?

PS - you need to change your phone number in the EPA directory.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

10/29/2002 09:03 AM



Re: Marjol Proposed Final - Version 5 - 5/13/04



05/13/2004 05:56 PM

Nancy Long to: Paul Mckechnie Cc: Eileen McMahon, Gary Greening

Nancy Long/OIG/USEPA/US From:

Paul Mckechnie/R1/USEPA/US@EPA, To:

Cc: Eileen McMahon/OIG/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

Paul, I looked at Version 5 of the report. Based on our conversation on (b) (5)

I'll be in tomorrow, we should discuss this to be sure this can move out of here on Monday. Thanks, Nancy



Re: Marjol Site Drilling
Rick Linthurst to: Gary Greening

03/04/2004 01:53 PM

From: Rick Linthurst/RTP/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

glad you are having so much fun!!!! keep the faith!

Rick A. Linthurst, Ph.D. Senior Science/Systems Advisor Office of the Inspector General U.S. Environmental Protection Agency MD: N283-01 Research Triangle Park, NC 27711

Phone: 919/541-4909

E-mail: linthurst.rick@epa.gov

Fax: 919/541-2504

Gary Greening



Gary Greening To: Rick Linthurst/RTP/USEPA/US@EPA

03/04/2004 01:44 PM

Subject: Re: Marjol Site Drilling

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Rick Linthurst



Rick Linthurst To: Gary Greening/OIG/USEPA/US@EPA

03/04/2004 01:28 PM

Subject: Marjol Site Drilling

Are we still on this?

Rick A. Linthurst, Ph.D. Senior Science/Systems Advisor Office of the Inspector General U.S. Environmental Protection Agency MD: N283-01 Research Triangle Park, NC 27711

Phone: 919/541-4909

E-mail: linthurst.rick@epa.gov

Fax: 919/541-2504

---- Forwarded by Rick Linthurst/RTP/USEPA/US on 03/04/2004 01:28 PM -----



Keith Heasley <Keith.Heasley@mail.w vu.edu>

03/04/2004 12:52 PM

To: Gary Greening/OIG/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA

cc: jkowalski@aarcherinc.com

Subject: Marjol Site Drilling

Gary, Rick;

I hope everything is going well after the meeting with Congressman Kanjorski.

I was thinking about the drilling of additional holes looking for openings in the coal seams at the Marjol site, and I was recently talking to some geophysical companies about some other things.

If it is decided to drill additional holes, you should definitely consider using some down-hole geophysics. With down hole, ground penetrating radar, you can see some 25 to 75 ft into the surrounding coal looking for openings. If you use some kind of crosshole radar or seismics, you can see some 500 to 1000 feet between the drillholes. Thus, with a few drillholes you can investigate a considerable amount of the seam, as opposed to just the diameter of the borehole with simple drilling.

I talked to Maureen Essenthier to see if any of the old holes are open and could be used for geophysical methods. She says that some of the monitoring wells are still open, but they are cased. These might be amenable to some type of geophysical sensing technique without drilling any more holes. I am looking into it.

If you are interesting in pursuing any of these geophysical techniques, let me know, and I will see what additional details I can put together.

Keith

Dr. Keith A. Heasley, PE
Associate Professor
Department of Mining Engineering
West Virginia University
359A Mineral Resources Building
PO Box 6070
365 Evansdale Dr.
Morgantown WV 26506-6070
keith.heasley@mail.wvu.edu
(304) 293-7680 x3307
FAX (304) 293-5708



Re: Marjol Ombudsman's Report
Gary Greening to: Stephen Schanamann

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

FYI - Paul is going to issue the report Friday, May 14 one way or the other.

---- Forwarded by Gary Greening/OIG/USEPA/US on 05/13/2004 11:19 AM -----



Maureen Essenthier

05/13/2004 11:07 AM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA,

Joel Hennessy/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

05/13/2004 11:20 AM

Tom Voltaggio/R3/USEPA/US@EPA, Yvette

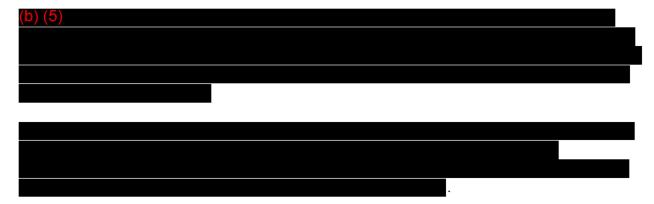
Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol Ombudsman's Report

Gary,

Thank you for your comments. Here are a few more technical issues for your consideration that further explain our request to broaden the scope of the recommendation in the final Ombudsman's report.

| (b) (5) | |
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Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening 05/12/2004 03:15 PM

To: Maureen Essenthier/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

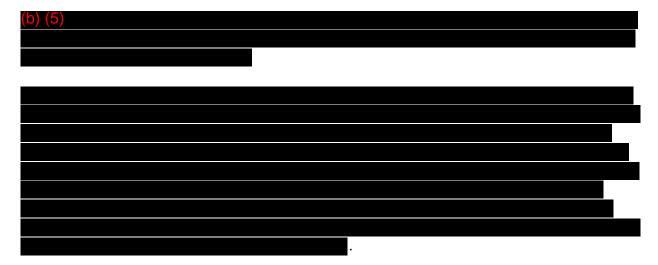
Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol Ombudsman's Report

Paul has the final say as to what goes into the final report, but here are my quick thoughts on the issue.





Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 05/12/2004 02:09 PM To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Yvette

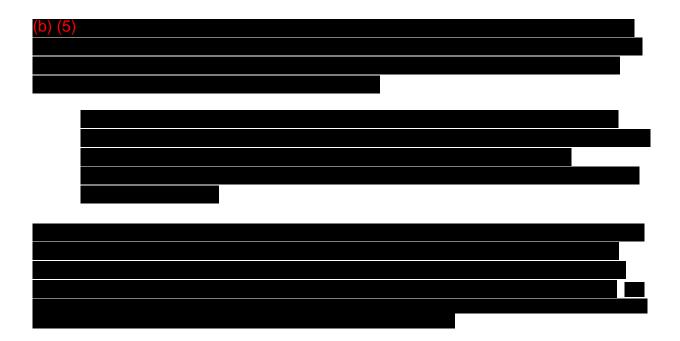
Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA Subject: Marjol Ombudsman's Report

Gary,

Thank you for the opportunity to discuss the final Ombudsman's report yesterday. As we discussed, you believe that additional investigation is advisable to relieve community concerns over a possible mine-fire hazard at the site. The recommendation for additional investigation in the draft Ombudsman's report, however, is too narrow to capture this goal.





Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Re: Marjol Ombudsman's Report Gary Greening to: Maureen Essenthier

05/12/2004 03:15 PM

Sent by:

Diane Ajl, James Burke, Joel Hennessy, Paul Gotthold, Paul Cc:

Mckechnie, Tom Voltaggio, Yvette Hamilton

Gary Greening/OIG/USEPA/US From: To: Maureen Essenthier/R3/USEPA/US,

Cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Joel

Hennessy/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Paul has the final say as to what goes into the final report, but here are my quick thoughts on the issue.

| (b) (6), (b) (5) | | |
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Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 05/12/2004 02:09 PM To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul

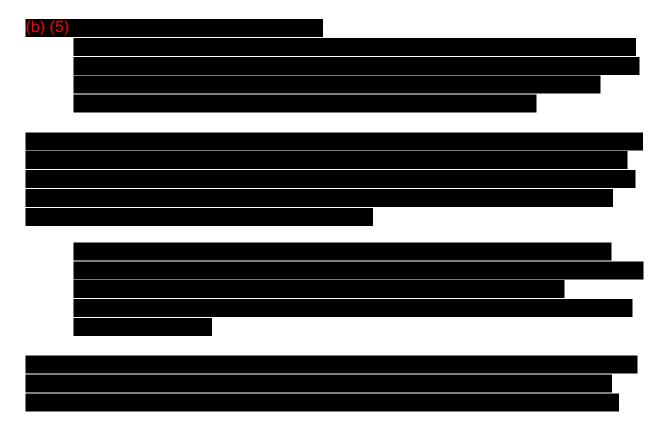
Gotthold/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA Subject: Marjol Ombudsman's Report

Gary,

Thank you for the opportunity to discuss the final Ombudsman's report yesterday. As we discussed, you believe that additional investigation is advisable to relieve community concerns over a possible mine-fire hazard at the site. The recommendation for additional investigation in the draft Ombudsman's report, however, is too narrow to capture this goal.



(b) (5)

Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



DRAFT Trip Report . . .

Gary Greening to: Paul Mckechnie, Stephen Schanamann Sent by:

02/11/2004 02:46 PM

From: Gary Greening/OIG/USEPA/US

To: Paul Mckechnie/R1/USEPA/US, Stephen Schanamann/OIG/USEPA/US,

Paul / Steve,

Please fill in the blanks, comments, questions, edits.



Marjol Trip February 9.dc

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Releasing draft Ombudsman reports to public . . .

Gary Greening to: Paul Mckechnie

Sent by:

Cc: tafer.fran, cox.dan

From: Gary Greening/OIG/USEPA/US
To: Paul Mckechnie/R1/USEPA/US,

Cc: tafer.fran@epa.gov, cox.dan@epa.gov

Paul,

I am addressing the editor's comments on the Marjol draft report. One of them states, "This is

(b) (5)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

01/23/2004 07:44 AM



Re: Status of Marjol Investigation



Gary Greening to: Yvette Hamilton

Sent by:

Diane Ajl, Lydia Isales, Maureen Essenthier, Neil Wise, Paul

Cc: Gotthold, Paul Mckechnie, Rick Linthurst, Stephen

Schanamann, Tom Voltaggio, William Early

Gary Greening/OIG/USEPA/US From:

To: Yvette Hamilton/R3/USEPA/US@EPA,

Cc: Diane Ajl/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA, Maureen

> Essenthier/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Rick

Quick update:

The two OIG technical/scientific staff that needed to review the report have done so and we had a conference call yesterday to discuss our collective comments. We will provide Dr. Heasley with one set of consolidated comments/questions/clarifications later this week for his consideration.

I think I can go out on a limb here an say you will not be surprised by his report. However, we need to get his final report before we can release it to all interested parties.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Gary Greening



Gary Greening

09/16/2003 08:06 AM

To: Yvette Hamilton/R3/USEPA/US

cc: Diane Ajl/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA,

Maureen Essenthier/R3/USEPA/US@EPA, Neil

Wise/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA,

Paul Mckechnie/R1/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Dr. Heasley provided our office with the first draft copy of his report on September 9th, 2003. I have read the report and have a couple of questions/clarifications for Dr. Heasley. However, two OIG technical/scientific staff that need to review the report have been out of the office on other business last week and the rest of this week. Once they have had a chance to review Dr. Heasley's report, we will get one set of consolidated comments/questions/clarifications to Dr. Heasley.

I can not comment further until the two OIG technical/scientific staff review the report and we have had a chance to talk.

Thank you -

10/02/2003 01:43 PM

Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Tom Voltaggio/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Lydia Isales/R3/USEPA/US@EPA, Maureen

Essenthier/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Good afternoon Gary,

Would you please provide us the current status of the Marjol Investigation? Have there been any developments since your last update of July 6, 2003. Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636 Fax: (215) 814-2603

---- Forwarded by Yvette Hamilton/R3/USEPA/US on 09/15/2003 04:00 PM -----



Gary Greening 07/06/2003 08:23 PM

To: Yvette Hamilton/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Rick Linthurst/RTP/USEPA/US@EPA, Paul

Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA, Maureen Essenthier/R3/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA

Subject: Re: Status of Marjol Investigation

Yvette,

As you may know, I was out of the office all last week. But to bring you up to date, this is what I know as of Sunday evening, July 6, 2003. The OIG's contracted Anthracite Mining Expert (Dr. Keith Heasley) has started to review the technical reports and will be putting in a request to us for more information to expedite his review. I do know he plans to perform a site visit, but I do not have a date.

While I was out on personal travel last week, I was in the Scranton, PA area on July 3rd. At the top of the news on WYOU Channel 22 was a news story about US Representative Kanjorski holding a "town meeting" with the citizens of Throop on the Marjol Battery Site. Do you know what came of that meeting? Did Rep. Kanjorski ask the EPA for any data? Please let me know if his involvement has prompted any action on the part of Region 3. Also, I do know that Susan Shortz, a member of the original CRC, received the most votes in the primary election for Throop Borough Council. The general election will be held in November.

Finally, I leave for Denver on another Ombudsman case on Tuesday, July 8 and will not be in the office until Monday, July 14.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Yvette Hamilton



To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Neil Wise/R3/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA

Subject: Status of Marjol Investigation

Good morning Gary,

Would you please provide us the status of the Marjol investigation? Has there been any new developments that we should be aware of? Thank you very much.

Yvette Hamilton-Taylor Senior Assistant Regional Counsel Office of Regional Counsel Phone: (215) 814-2636

Fax: (215) 814-2603



Voicemail . . .

Gary Greening to: (b) (6)

Sent by:

02/20/2003 04:07 PM

From: Gary Greening/OIG/USEPA/US

To: **(b) (6)**

(b) (6)

I got your voicemail from today declining our request. Thank you for considering it in the first place. I can understand your boss's reluctance to involve themselves in a politically sensitive, no win, situation, where you have two well respected "experts" disagreeing on the data.

In the February 16, 2003, Scranton Times article, you were quoted as saying your office can help potential home owners identify mines on property they intend to build on. What can you tell me about the Marjol property at 600 Delaware Avenue in Throop? Or should I make a trip to your office to view the maps you have? Can you tell subsidence potential from what you have in your office?

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Concerns of EPA Regional Council re: Ombudsman Meeting in Ohio



Gary Greening to: Eileen McMahon 02/24/2003 11:26 AM

Sent by:

Cc: Mary Boyer

Gary Greening/OIG/USEPA/US From: Eileen McMahon/OIG/USEPA/US, To: Cc: Mary Boyer/R4/USEPA/US@EPA

I don't know the particulars of the WTI case and travel arrangements. However, Steve and I did travel with the Region 3 folks to perform a site visit at Marjol in Throop, PA. The EPA people were very helpful explaining past history and present conditions, from an EPA perspective. This was very helpful and was noted that it was EPA's perspective, not the citizen's. I'd like to learn more about this concern surrounding the "appearance" issue Regional counsel has, because I am not sure I fully understand. Thank you -

Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Eileen McMahon



Eileen McMahon 02/24/2003 10:51 AM To: Mary Boyer/R4/USEPA/US@EPA, Gary Greening/OIG/USEPA/US@EPA

Subject: Concerns of EPA Regional Council re: Ombudsman Meeting in Ohio

Peggy-

Stephanie Kimball called from NAD with an urgent message for you regarding your planned trip to WTI this week. Apparently ORC attorneys have contacted Kim to get a message to the OIG staff who are planning to go the WTI site this week with Region 5 staff. ORC is concerned about the appearance issues related to the ombudsman and OIG staff traveling with Region 5 officials to a site that the ombudsman is reviewing (I agree).

For further information, you can contact Rett Nelson in the Office of Regional Counsel at 312 886-6666. Let's plan on getting together this afternoon as well to talk about the plans and details for this trip, and we can come up with some working guidelines for how to address these issues in the future.

thanks. Eileen



Re: MARJOL - 1st draft, Letter to Kuhns, USOSM

Gary Greening to: Stephen Schanamann

Sent by:

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

Your thoughts on Peggy's comments? After you review, maybe we can get on the phone with Peggy and explain why we think we need all 4 objectives, which I think we do.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

---- Forwarded by Gary Greening/OIG/USEPA/US on 02/05/2003 03:39 PM -----

Mary Boyer To: Gary Greening/OIG/USEPA/US@EPA

02/05/2003 03:22 PM CC

Subject: Re: MARJOL - 1st draft, Letter to Kuhns, USOSM

My 2 cents



Gary Greening



Gary Greening 02/05/03 02:32 PM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: MARJOL - 1st draft, Letter to Kuhns, USOSM

After Steve helped draft the first letter, I used what he had and edited/added/deleted. Steve has not had a chance to look at this version. He had to leave early for family reasons. Would you look at this and see if we are going in the right direction, then Steve could look at it in the A.M.



kuhns Itr 1st draft.wpd

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T

02/05/2003 03:41 PM

Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549 E-Mail: greening.gary@epa.gov



Re: Marjol Ombudsman's Report Maureen Essenthier to: Gary Greening

Cc: Diane Ajl, James Burke, Joel Hennessy, Paul Gotthold, Paul

Mckechnie, Tom Voltaggio, Yvette Hamilton

Maureen Essenthier/R3/USEPA/US From: To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Joel

Hennessy/R3/USEPA/US@EPA, Paul Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA, Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Gary,

Thank you for your comments. Here are a few more technical issues for your consideration that further explain our request to broaden the scope of the recommendation in the final Ombudsman's report.

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05/13/2004 11:07 AM



Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov Gary Greening



Gary Greening 05/12/2004 03:15 PM To: Maureen Essenthier/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA,

Joel Hennessy/R3/USEPA/US@EPA, Paul

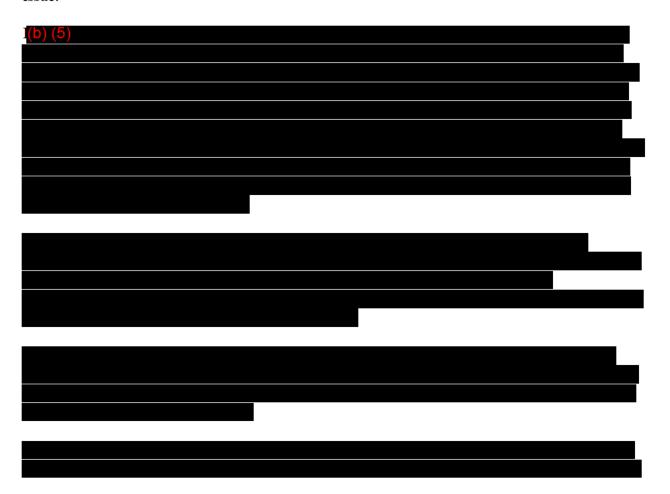
Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol Ombudsman's Report

Paul has the final say as to what goes into the final report, but here are my quick thoughts on the issue.





Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 05/12/2004 02:09 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, Joseph Physics/R3/USEPA/US@EPA, Joseph Physics/R3/USEPA/US@EPA/

James Burke/R3/USEPA/US@EPA, Yvette

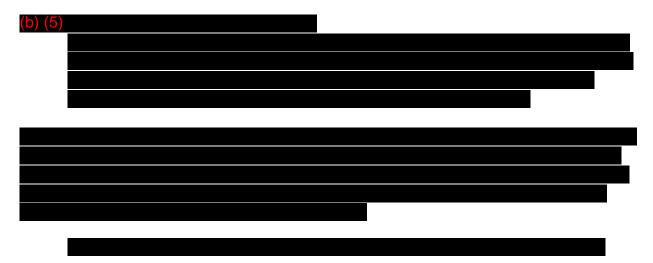
Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

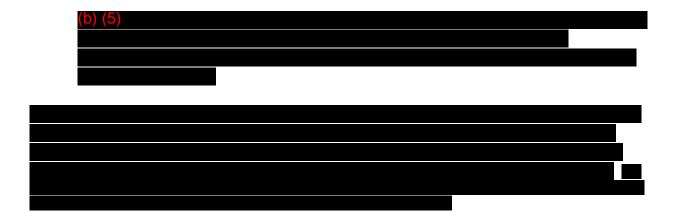
Voltaggio/R3/USEPA/US@EPA

Subject: Marjol Ombudsman's Report

Gary,

Thank you for the opportunity to discuss the final Ombudsman's report yesterday. As we discussed, you believe that additional investigation is advisable to relieve community concerns over a possible mine-fire hazard at the site. The recommendation for additional investigation in the draft Ombudsman's report, however, is too narrow to capture this goal.





Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Re: Marjol --region's response Stephen Schanamann to: Gary Greening

Cc: Nancy Long, Paul Mckechnie

From: Stephen Schanamann/OIG/USEPA/US
To: Gary Greening/OIG/USEPA/US@EPA,

Cc: Nancy Long/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA



Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 04/15/2004 01:18 PM To: Nancy Long/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen

Schanamann/OIG/USEPA/US@EPA

Subject: Re: Marjol --region's response

Yes, you brainstorming idea would be feasible and we can do that just as easily and get the report out all the faster. The only sticking point I see would be when we present this alternative to the Region a t the exit conference. They may ask why we didn't do that. I guess we could say that's not our job?

Nancy Long



Nancy Long 04/15/2004 01:10 PM To: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

cc: Gary Greening/OIG/USEPA/US@EPA

Subject: Re: Marjol --region's response



and make the difference of the design last specifical design and the design and t

Just to let you know, Gary and I spoke about the proposed letter to the Borough of Throop. I realize we are in a tough spot here and am not sure how best to proceed. I told Gary that we would get your opinion, Paul, before you go on leave and then we'll talk to Eileen next week. If she agrees on procedure, one of us can sign the letter out next week in your absence. That being said, does anyone have any ideas/suggestions about any other alternative we might have?

Brainstorming --- Would it be feasible to add some discussion to the report of the apparent lack of

04/15/2004 01:59 PM

| consensus and then condition the recommendation that is not forthcoming then we would say the region | on the region's getting buy-in from the borough and if does not have to comply with the recommendation? |
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Re: Marjol - Comments on your Comments
Gary Greening to: Stephen Schanamann

02/27/2004 06:57 AM

From: Gary Greening/OIG/USEPA/US

To: Stephen Schanamann/OIG/USEPA/US,

It is a bag a worms. After I got Eillen's comments I then got Nancy's the next day . . .

-----Forwarded by Gary Greening/OIG/USEPA/US on 02/27/2004 06:55AM -----

To: Gary Greening/OIG/USEPA/US@EPA From: Nancy Long/OIG/USEPA/US

Date: 02/26/2004 05:02PM

cc: Paul Mckechnie/R1/USEPA/US@EPA, Eileen

McMahon/OIG/USEPA/US

Subject: Re: Marjol - Comments on your Comments

Gary, intended or not, your frustration with my comments came through loud and clear and I appreciate your response. However, since Paul will be in DC on Monday, I think it best if we talk about this. Eileen is aware that the report will not be issued tomorrow.



I'm looking foward to a constructive discussion on Monday. However, the offer to call me at home on Friday is still good (b) (6) is home, is my cell. I should be available all day except between 8:45 and 9:45.

Nancy E. Long
Deputy Assistant Inspector General
for Congressional and Public Liaison
Office of Inspector General
Mailcode: 2491T
(202) 566-0918 (phone)
(202) 566-2549 (fax)
Gary Greening

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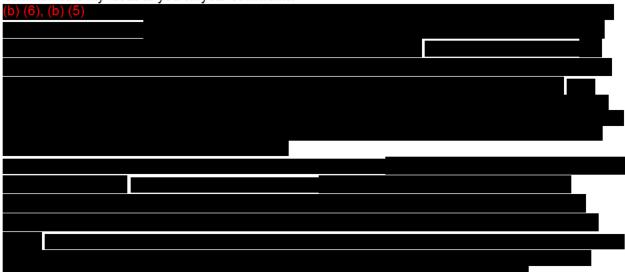
Gary Greening To: Nancy Long/OIG/USEPA/US@EPA

cc: Paul Mckechnie/R1/USEPA/US@EPA

02/26/2004 03:14 PM Subject: Marjol - Comments on your Comments

Nancy,

Since I leave at 3:15 and you won't be in tomorrow, and I do not want to call you at home, I wanted to communicate my ideas to you on your comments.



I will get the other changes to Paul tomorrow in the a.m and he can send out for comment from the Region.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: DRAFT Trip Report . . . 🗎 Stephen Schanamann to: Gary Greening

Cc: Paul Mckechnie

Stephen Schanamann/OIG/USEPA/US From: Gary Greening/OIG/USEPA/US@EPA, To: Cc: Paul Mckechnie/R1/USEPA/US@EPA

Gary and Paul,

I have read Gary's trip report and the thread of e-mails between him and Paul Gotthold. Gary is correct that Gotthold never specifically promised the Region would undertake the additional borehole sampling of the two small coal veins to rule out earlier mining. However, he allowed the presumption to continue that he would at least consider the sampling, because he discussed the possibility and mentioned a mechanism by which he could seek funds to do the work. I also thought that he had agreed, though in retrospect he did not overtly say so. Gotthold's e-mails say otherwise.

Meanwhile, Heasley's report agrees with Gotthold's position that further sampling is not needed. I had thought that the additional sampling would be undertaken, not because the Region thought that it was needed, but out of an abundence of caution. 10 boreholes, each 30 feet deep, at a cost of \$40 per foot comes out to \$12,000. That is considerably cheaper than one month's maintenance cost for the site. Perhaps Gould would be willing even if the Region isn't, especially if it means an end to the opposition to the remedy. What a nice time for the Congressman to have a chat with his good friend the RA.

Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening 02/11/2004 02:46 PM To: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Subject: DRAFT Trip Report . . .

Paul / Steve. Please fill in the blanks, comments, questions, edits.



Marjol Trip February 9.dc

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2110E - Mailcode 2423T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

02/11/2004 03:37 PM



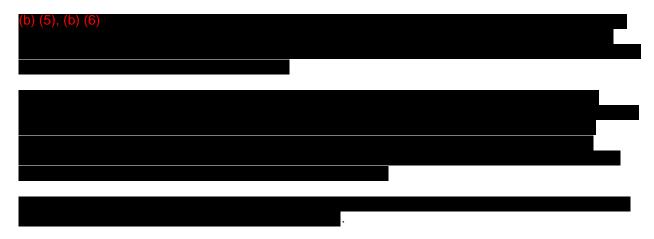
Re: MARJOL - 1st draft, Letter to Kuhns, USOSM 🗎

Stephen Schanamann to: Gary Greening

02/06/2003 07:36 AM

From: To: Stephen Schanamann/OIG/USEPA/US Gary Greening/OIG/USEPA/US@EPA,

Gary,



Rev. 7:3 "Do not harm the earth, the sea, or the trees..." Gary Greening



Gary Greening To: Stephen Schanamann/OIG/USEPA/US@EPA

02/05/2003 03:41 PM

Subject: Re: MARJOL - 1st draft, Letter to Kuhns, USOSM

Your thoughts on Peggy's comments? After you review, maybe we can get on the phone with Peggy and explain why we think we need all 4 objectives, which I think we do.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2133F - Mailcode 2441T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

----- Forwarded by Gary Greening/OIG/USEPA/US on 02/05/2003 03:39 PM -----

Mary Boyer To: Gary Greening/OIG/USEPA/US@EPA

02/05/2003 03:22 PM

Subject: Re: MARJOL - 1st draft, Letter to Kuhns, USOSM

My 2 cents



Gary Greening



Gary Greening 02/05/03 02:32 PM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: MARJOL - 1st draft, Letter to Kuhns, USOSM

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kuhns Itr 1st draft.wpd

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Re: MARJOL - 1st draft, Letter to Kuhns, USOSM 🗎

Mary Boyer to: Gary Greening 02/05/2003 03:22 PM

From: Mary Boyer/R4/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

My 2 cents



Gary Greening



Gary Greening 02/05/03 02:32 PM

To: Mary Boyer/R4/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

CC:

Subject: MARJOL - 1st draft, Letter to Kuhns, USOSM

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kuhns Itr 1st draft.wpd

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Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Re: Need Anthracite Mining Expert

Jean Parry-Hill to: Gary Greening

02/03/2003 04:28 PM

From: Jean Parry-Hill/OIG/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Thank you. This info should help especially in the initial review/search for a potential expert consultant via the current 'FAST' contract vehicle we spoke of today.

Jean

Jean Parry-Hill EPA/OIG/PAR 202-566-2647 FAX: 202-566-2706 Gary Greening



Gary Greening To: Jean Parry-Hill/OIG/USEPA/US@EPA

02/03/2003 03:00 PM

Subject: Need Anthracite Mining Expert . . .

Jean.

Here are some more specific "wants" of what we need in an anthracite mining expert. This person can not have a personal or financial interests in Gould (the PRP), Advanced GeoServices Corporation (the PRP's contractor), GAI Consultants (subcontractor to Advanced GeoServices), or Gannett Fleming (Throop Borough's contractor).

I think that someone we use for Marjol consultation should be familiar with the following:

- 1. Shaft coal mining techniques as practiced in PA;
- 2. Federal and PA coal mining regs;
- 3. Directives/guidance issued by PA Bureau of Mine Reclamation, such as the formula they use for determining whether or not subsidence at a given site will impact surface construction at the site;
- 4. Hydrogeology as it pertains to the potential for groundwater pollution from mine seepage;
- 5. Mine engineering knowledge to be able to go over the "draft report" we received from the PRPs lawyer and determine for himself the validity of the calculations in the report;
- 6. Knowledge of or ability to seek out mine maps to determine whether or not all levels below the Marjol site have been accounted for in determining the potential for subsidence.

The consultant should have the ability and willingness to develop and communicate an expert opinion on the propriety of EPA"s proposed remedy for the site.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460 Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Jean.

I work in the OIG's Ombudsman's office here in DC (room 2133). We need access to an Anthracite Mining Expert to review some reports, attend some meetings, and give us their recommendations. I was told you can help get access to one through one of the OIG's contract. Can you help me?

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov

Re: Need Anthracite Mining Expert . . .

GaryL Johnson to: Gary Greening 02/03/2003 04:17 PM

From: GaryL Johnson/OIG/USEPA/US

To: Gary Greening/OIG/USEPA/US@EPA,

Thanks Gary. Gary Greening



Gary Greening To: GaryL Johnson/OIG/USEPA/US

02/03/2003 03:54 PM

Subject: Re: Need Anthracite Mining Expert . . .

OK, after talking to Steve Schanaman, we've identified some specifics in what we are looking for. I've also contacted Jean Parry-Hill with this list, too.

This person can not have a personal or financial interest in Gould (the PRP), Advanced GeoServices Corporation (the PRP's contractor), GAI Consultants (subcontractor to Advanced GeoServices), or Gannett Fleming (Throop Borough's contractor).

I think that someone we use for Marjol consultation should be familiar with the following:

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Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

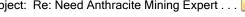
E-Mail: greening.gary@epa.gov

GaryL Johnson

GaryL Johnson To: Gary Greening/OIG/USEPA/US@EPA

02/03/2003 03:47 PM

Subject: Re: Need Anthracite Mining Expert . . .



Gary--Let me make a couple of phone calls tomorrow and get back with you.

Thanks. Gary Greening



Gary Greening To: GaryL Johnson/OIG/USEPA/US cc: Mary Boyer/R4/USEPA/US@EPA 02/03/2003 09:37 AM Subject: Need Anthracite Mining Expert . . .

Gary,

Per our meeting with Nikki last week. I've contacted Jean Parry-Hill about contracting for such an expert. Nikki mentioned that perhaps someone over where you used to work could assist through an IAG. While I am waiting to hear back from Jean, can you help get me a point of contact so I can check into this? We need access to an Anthracite Mining Expert to review some reports, attend some meetings, and give us their advice and recommendations.

Thank you -Gary R. Greening USEPA - Office of Inspector General 1200 Pennsylvania Ave, NW Room 2133F - Mailcode 2441T Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Marjol Recommendation in Version 5 . . .

Gary Greening to: Nancy Long

Sent by:

Cc: Eileen McMahon, Paul Mckechnie

From: Gary Greening/OIG/USEPA/US
To: Nancy Long/OIG/USEPA/US,

Cc: Eileen McMahon/OIG/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA

Nancy,

I changed the recommendation in Version 5 based on our exit conference and the e-mail exchange below (read bottom up). In a nutshell, (b) (5)

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

---- Forwarded by Gary Greening/OIG/USEPA/US on 05/14/2004 07:41 AM -----



Maureen Essenthier

05/13/2004 11:07 AM

To: Gary Greening/OIG/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA,

Joel Hennessy/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

Tom Voltaggio/R3/USEPA/US@EPA, Yvette

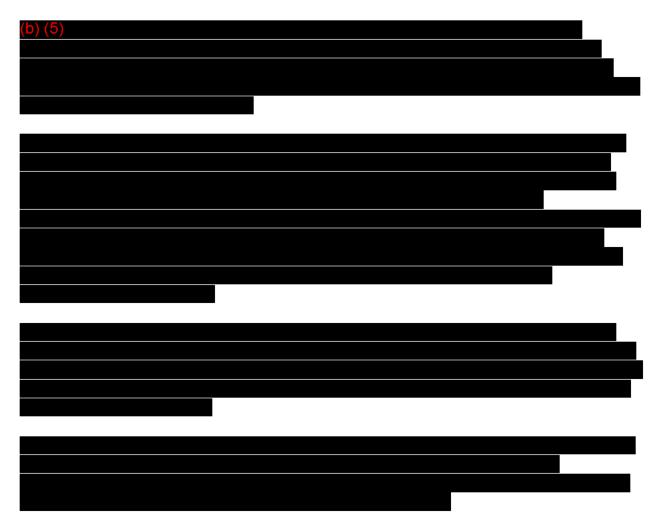
Hamilton/R3/USEPA/US@EPA
Subject: Re: Marjol Ombudsman's Report

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| (b) (5) | |
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05/14/2004 07:46 AM



Maureen Essenthier
Waste & Chemicals Management Division
EPA Region III
215-814-3416
essenthier.maureen@epa.gov
Gary Greening



Gary Greening 05/12/2004 03:15 PM To: Maureen Essenthier/R3/USEPA/US@EPA

cc: Diane Ajl/R3/USEPA/US@EPA, James Burke/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Paul Mckechnie/R1/USEPA/US@EPA,

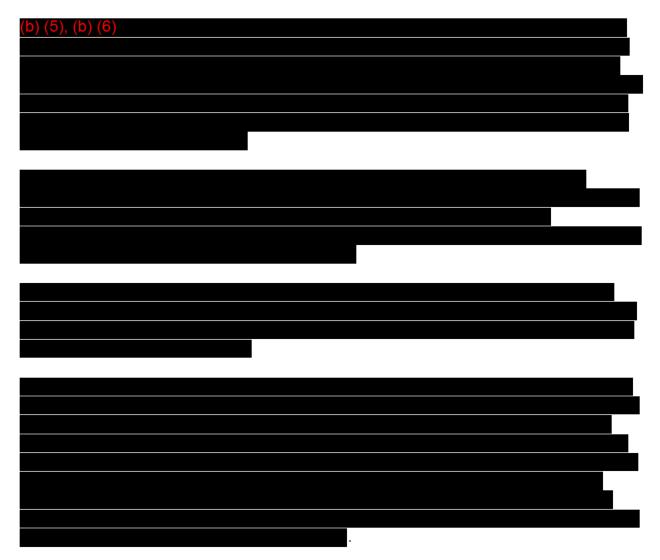
Tom Voltaggio/R3/USEPA/US@EPA, Yvette

Hamilton/R3/USEPA/US@EPA

Subject: Re: Marjol Ombudsman's Report

Paul has the final say as to what goes into the final report, but here are my quick thoughts on the issue.

| (b) (5), (b) (6) | | |
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Thank you Gary R. Greening
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1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2918

E-Mail: greening.gary@epa.gov

Maureen Essenthier



Maureen Essenthier 05/12/2004 02:09 PM

To: Gary Greening/OIG/USEPA/US@EPA cc: Paul Mckechnie/R1/USEPA/US@EPA, Paul

Gotthold/R3/USEPA/US@EPA, Joel Hennessy/R3/USEPA/US@EPA,

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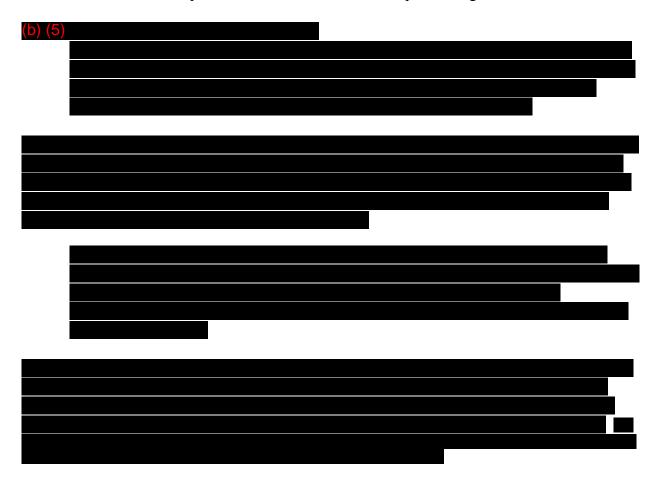
Hamilton/R3/USEPA/US@EPA, Diane Ajl/R3/USEPA/US@EPA, Tom

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Gary,

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Maureen Essenthier Waste & Chemicals Management Division EPA Region III 215-814-3416 essenthier.maureen@epa.gov



Status - Marjol Draft Report

Gary Greening to: Paul Gotthold, Maureen Essenthier 03/09/2004 01:12 PM

Sent by:

Cc: Paul Mckechnie, Stephen Schanamann

From: Gary Greening/OIG/USEPA/US

To: Paul Gotthold/R3/USEPA/US, Maureen Essenthier/R3/USEPA/US,

Cc: Paul Mckechnie/R1/USEPA/US@EPA, Stephen Schanamann/OIG/USEPA/US@EPA

Paul G. and Maureen,

The draft report is with the acting Ombudsman Paul McKechnie for signature and distribution, hopefully sometime this week. Yes, we did modify our initial draft report and included a second recommendation to work with Gould and the Borough of Throop to drill, sample, and analyze the additional boreholes. While we agree with Dr. Heasley that the likelihood of extensive mining operations took place on site in the two coal seams is extremely low, we do believe, as was generally agreed to at the 2/9/04 meeting, that additional data would be good.

Thank you Gary R. Greening
USEPA - Office of Inspector General
1200 Pennsylvania Ave, NW
Room 2110E - Mailcode 2423T
Washington, DC 20460

Phone: (202) 566-1504 FAX: (202) 566-2549

E-Mail: greening.gary@epa.gov



Marjol Trip Report for February 9, 2004 . . .

Gary Greening to: Paul Mckechnie

Sent by:

Gary Greening/OIG/USEPA/US From: Paul Mckechnie/R1/USEPA/US. To:

Paul - here is the memo in case you are reading this from your Blackberry:

February 17, 2004

SUBJECT: Trip Report - Marjol Battery Ombudsman Case, trip to Congressman Kanjorski's

Wilkes-Barre, PA Office – February 9, 2004

FROM: Gary R. Greening

Assignment Manager

Office of Inspector General

Office of Congressional and Public Liaison

TO: File

At 12:00 noon on Monday, February 9, 2004, acting Ombudsman Paul McKechnie, Stephen Schanamann, Dr. Keith Heasley, and I met for a premeeting lunch at the Mark II Family Restaurant, in Wilkes-Barre, PA. After introductions, we discussed the previous meeting with the Congressman on January 28, 2004, and how the Congressman wanted to bring together all the parties (Region 3, Throop, Throop's consultant Gannett Fleming, our office and our expert) before we issued our draft report to the Region. We agreed to listen and let our expert answer any questions that the Congressman or citizens had, however, we have not provided the Region with a copy of the draft report so we do not anticipate any specific questions related to our recommendation or findings.

At 2:00 p.m. we met at the Congressman's Wilkes-Barre office at the Stegmaier Building, 7 North Wilkes-Barre Boulevard, Suite 400M. In attendance were the Congressman and two of his staff persons (names unknown), EPA Region 3's Paul Gotthold, Chief, PA Operations, Waste and Chem Management Branch (and three other EPA Region 3 people), PADEP's Robert Lewis, Manager, Hazardous Sites Cleanup Program, Throop Borough Council member Susan Shortz, former Throop resident Mary Ann Richardson, Throop's consultant Gannett Fleming represented by Frank Swit (and another unnamed person), and the OIG representatives from the aforementioned 12:00 noon meeting.

Congressman Kanjorski opened the meeting by expressing his concerns with the site, specifically about how he believes lead can travel off-site into the Lackawanna River, which flows into the Susquehanna, which ultimately empties into the Chesapeake Bay. He also is concerned with the long-term safety of the proposed cap and whether Gould will put money into

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an escrow account now to cover removal of the 300,000 cubic yards of waste, should the cap fail in the future. Gotthold and Lewis conferred and informed the Congressman that while Gould would be required to escrow money for long-term maintenance and repairs, the escrow funds would not cover total removal in the future. Gotthold said they could make caps that are good for 300 years.

The Congressman also expressed his opinion that he thought the site is not just detrimental to the local community, but also to the county and the whole Northeastern Pennsylvania area. He expressed interest in learning why EPA was able to haul away all the hazardous waste at another lead battery recycling plant in Foster Township. He surmised that it was money, and that Gould did not want to pay an estimated \$100 million it would cost to haul it all away versus the \$20 to \$40 million it will cost to cap the site. Gotthold said that while cost is one factor, this Marjol site is the largest lead acid battery recycling plant being cleaned up in the east and the potential to recontaminate the community by running what amounts to thousands of truck-loads of hazardous waste through the community also makes it environmentally unsafe. Also, the groundwater at this site is not used for drinking nor do the tests show that the lead is leaking into the mine pool under the site or into the adjacent Lackawanna River.

Swit of Gannett Fleming made their presentation. In essence, Swit said that the evidence they reviewed is inconclusive as to whether any mining occurred in the Top Split of the Four Foot coal seam or the Four Foot coal seam. He was saying the mine maps are very unreliable and that these seams would out crop directly under the proposed cap. If these seams were mined, they would then be susceptible to mine fires and could potentially catch the hazardous waste on fire. He agreed though that if these seams were not mined, then there is no threat from mine fires. However, his point was that there is not enough data to be 100% sure that these seams were not mined and so the community has doubts whether the final remedy will limit the possibility of a mine fire at the site. Swit said in order to be sure, Gould should be willing to drill at least 10 more bore holes into these seams in order to make a definitive conclusion. At this point, I asked how thick he thought these seams were. Swit said about two or three feet wide. Heasley commented that while more data is always good (in this case more bore holes) that he believes, based on his review of the available data, that these seams were too thin (1 to 2 feet thick) to be mined extensively and therefore they do not pose a significant mine fire hazard. Lewis agreed that PADEP's expert concluded as such, that the seams were too thin to have been significantly mined.

At this point, Congressman Kanjorski asked Region 3 if they would agree to drill more bore holes to definitively answer this question. Kanjorski thought that it would be good for the community to know definitively whether there was any mining in these two seams, as there appears to be a difference of opinion. Kanjorski told Throop that if the additional data showed there was no mining, therefore no concern for mine fires in these two seams, then it was agreed to more forward on the cap. Gotthold said they were waiting for the Ombudsman's report before they moved ahead. McKechnie sated that Region 3 did not have to wait for his report and thought more bore holes would be a good idea to help the citizens put this issue to rest, one way or the other. Gotthold never specifically promised that the Region would undertake the additional bore hole samplings of the two small coal seams to rule out earlier mining. However,

Gotthold allowed the presumption to continue, that he would at least consider the sampling, because he discussed the possibility and mentioned a mechanism by which he could seek funds to do the work. I thought that he had agreed to do the additional bore holes, though in retrospect, he did not overtly say so.

The meeting ended at approximately 4:20 p.m.

SUBSEQUENT EVENTS:

As a result of the uncertainties surrounding what was agreed to at the February 9th meeting in Wilkes-Barre, the OIG contacted Kate McMahon of Representative Kanjorski's staff. Kate said it was her perception, the Congressman's perception, and Throop's, that Region 3 was going to get together with Gould and ask them to bore approximately 10 new holes into the two seams to determine definitively whether mining had taken place. Kate also mentioned that the region was going to try to get Gannett Fleming to agree to the locations of the new bore holes so that the Borough could have confidence in the results of the new bore holes. Kate did not think these new bore holes would cost that much since the seams are relatively shallow.

The OIG forwarded this information onto Gotthold on February 13, 2004. Gotthold responded that Region 3 also talked with Kate this week and told her that Region 3 is really unable to proceed without the Ombudsman's report, since Region 3 is on record that they have suspended work until they receive the Ombudsman's final report. (Region 3's suspension was before Congressman Kanjorski "inherited" this site as a result of redistricting, so Region 3 believes he/his staff may not be fully aware of that). In the meantime, Gotthold stated they have costed out the work and are looking at 70 to 100 k. drilling costs, not including data reporting, with no consensus on what the results mean. Gotthold's technical staff remains highly confident of their current understanding of the site conditions. He went on to say they recognize that the meeting with Kanjorski may provide an opportunity for progress. However, he believes Region 3 is still bound by our pledge to await the report from the Ombudsman's office.

---- Forwarded by Gary Greening/OIG/USEPA/US on 02/17/2004 08:31 AM -----



Gary Greening 02/17/2004 08:18 AM

To: Paul Mckechnie/R1/USEPA/US

cc: Stephen Schanamann/OIG/USEPA/US, Eileen McMahon/OIG/USEPA/US

Subject: Marjol Trip Report for February 9, 2004 . . .

Attached. . .

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